


newsletter
on
intellectual
freedom



IFC ALA

Co-editors: Judith F. Krug, Director, and James A. Harvey, Assistant Director,
Office for Intellectual Freedom, American Library Association

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**Intellectual
Freedom
Committee
Midwinter
Meeting**

Program plans for Dallas, proposals for monetary awards to support IFC projects, possible revision of the *Library Bill of Rights* and the *Program of Action*, development of an intellectual freedom manual and guidelines to state committees, plus the ubiquitous *Sylvester and the Magic Pebble* — all these and more were topics raised, discussed, acted upon, and (in some cases) resolved when the Intellectual Freedom Committee met for sixteen hours during the 1971 Midwinter Meeting in Los Angeles, January 17-23, 1971.

Program for Dallas

Entitled "Up from Lip Service," the program planned by the IFC for the Dallas Conference will highlight the experiences of the committee and office over the past three years during development and implementation of the *Program of Action in Support of the Library Bill of Rights*.

Scheduled for Monday, June 21, 1971, 7:30 A.M.-12:00 noon, the program will include: (1) a "breakfast browse," featuring coffee and rolls, an exhibit of materials out of the mainstream, and intellectual freedom and Freedom to Read Foundation publications; (2) an unusual audiovisual presentation about underground newspapers; (3) progress reports on the *Program of Action* and the Freedom to Read Foundation; (4) a humorous presentation entitled "Censorship Report from Whoopup, Missouri"; (5) a series of "value games" requiring audience participation in simulated intellectual freedom problems; and, (6) a prototype round-table discussion concerning the implications of the value games.

Intellectual Freedom Manual

The committee reviewed the outline of the Intellectual Freedom Manual, which will bring together, in one text, all ALA policies and procedures pertaining to the concept as it relates to libraries and librarians. Several suggestions for additions, deletions, and style were offered, and the OIF staff was asked to proceed with development of the several sections.

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ALA Intellectual Freedom Committee, Chairman, David K. Berninghausen
(Director, Library School, University of Minnesota)

Midwinter . . . (from page 29)

J. Morris Jones-World Book Encyclopedia-ALA Goals Award Proposals

The Intellectual Freedom Manual, noted above, will not only serve librarians as a resource book, but can also be used to further the IFC and OIF goal of educating librarians and the general public in the importance of intellectual freedom in libraries. Using the manual as the basis, the IFC envisions workshops on the regional, state, and local levels. A prototype of such workshops is proposed in an approximately \$15,000 J. Morris Jones-World Book Encyclopedia-ALA Goals Award application.

Focusing on a single region, yet to be chosen, the proposal calls for all state intellectual freedom committee members in that area to attend the workshop, thereby acquiring necessary background to conduct similar workshops at the state and local levels.

A second proposal for the 1971 J. Morris Jones-World Book Encyclopedia-ALA Goals Award was also approved by the IFC. It asks that the \$24,000 available from the award be given to the Freedom to Read Foundation. This alternative proposal was approved in recognition of the valuable contribution the foundation can make, if adequately funded, to the support and defense of intellectual freedom principles.

Statement To ALA Committee On Accreditation

For some time, the Intellectual Freedom Committee has considered the effectiveness of library schools' methods of teaching principles of intellectual freedom. Recognizing that specific curriculum content is the right and responsibility of individual library schools, the committee approved a statement, authored by Miss Florence DeHart, to encourage the Committee on Accreditation to devise means for urging library schools to teach intellectual freedom principles throughout the curriculum and for evaluating the effectiveness of library schools' methods of teaching those principles.

"Library Bill Of Rights"

Over the past year, several matters concerning possible revision of the *Library Bill of Rights* have come to the committee's attention. Attempts by the Internal Revenue Service to use library records to find out who checked out books on explosives and guerrilla warfare prompted some people to suggest that the *Library Bill of Rights* be amended to include a statement about the confidentiality of such records. In addition, the committee was requested to include the word "sexist" in the appropriate parts of Articles I and V of the document. A third suggestion was that Article VI be deleted from

the *Library Bill of Rights* in the belief that it deals mainly with procedure or application rather than principle. Each of these suggested revisions was considered, but the committee decided that "confidentiality of library records" and "sexist" matters are adequately covered by existing ALA policies. It was agreed, however, to reconsider Article VI at the Dallas Conference, June 1971.

"Sylvester And The Magic Pebble"

In response to a nationwide campaign to remove the award-winning children's book *Sylvester and the Magic Pebble* from school and public libraries, the committee discussed the desirability of issuing a supportive statement or taking other action on the problem. Present at the meeting were two representatives of the International Conference of Police Associations. (See p. 44 for details of discussion.)

"Newsletter On Intellectual Freedom"

The committee approved having the *Newsletter on Intellectual Freedom* published on a monthly basis as soon as possible.

Guidelines To State IFC's

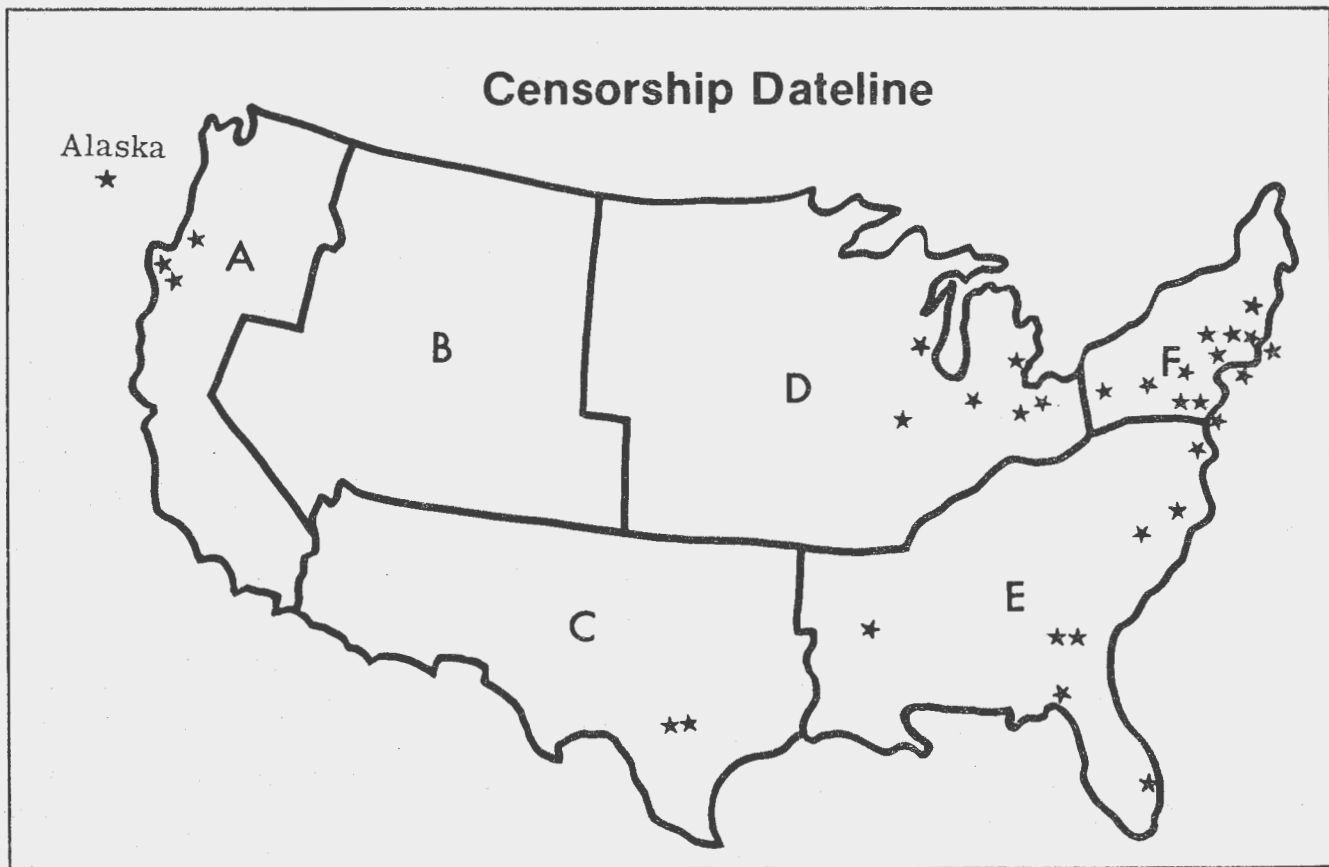
Because many state associations have established units to conduct investigations of intellectual freedom cases, the committee believes it necessary to develop and publicize guidelines concerning conditions under which results of investigations by state committees can be accepted by the ALA Intellectual Freedom Committee. Although the exact wording of the final statement was not settled upon during the Midwinter Meeting, the principles agreed on were as follows:

Because the ALA Intellectual Freedom Committee has no authority to control investigations conducted under the auspices of the state library associations, and, because it is therefore unable to guarantee that due process and accepted American Library Association policies have been carried out in such investigations, the ALA Intellectual Freedom Committee cannot accept testimony or reports resulting from such investigations.

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PACIFIC COAST STATES (A)

Anchorage, Alaska

Charles K. Mariott, formerly a teacher at Kenai Central High School, filed suit for \$750,000 against the principal and vice-principal of the school. Mariott claims that Principal Charles W. Griffin ordered him to remove Dick Gregory's *Nigger* from a required reading list and became "hostile" when he refused to comply. After being told by the school board that his contract would not be renewed, Mariott says he resigned to avoid having the nonrenewal on his teaching record. Reported in: *Anchorage News*, December 3.

Richmond, Cal.

The school board banned educational TV station KQED's instructional programs from district classrooms because three board members believe the station's news coverage is not balanced. After a 3-2 vote, Goy Fuller, board president, blasted KQED's "thoroughly biased news coverage." Virgil Gay, another trustee, accused KQED of "irresponsible programming," and said the station gives only one side of the question on some issues. Reported in: *San Francisco Chronicle*, November 4.

San Francisco, Cal.

Stating that "There comes a time when even the most open-minded editors must draw the line," the *Examiner* announced: "The line we draw is against advertising in our columns by the dispenser of depraved 'entertainment' offered presently in more than twoscore theaters throughout this area." Reported in: *San Francisco Examiner*, December 8.

South San Francisco, Cal.

Clark Natwick, formerly a teacher at Alta Loma High School, was suspended for 30 days by the South San Francisco Board of Education because he loaned *The Inner City Mother Goose* to a student who asked to borrow it. According to the *Chronicle*, the book was brought home, and so infuriated the mother that she burned it. The book is a parody of the regular Mother Goose rhymes and includes such realities of ghetto life as rats, roaches, and drugs in its pictures and poems. James Lynch, representative of the school district's teachers union, announced the union will take the matter to court. Lynch said the only things obscene about the book are the conditions it portrays. He charged the real reason Natwick is being fired is because he actively

counseled students against the Vietnam war "at their request." Reported in: *San Francisco Chronicle*, November 17.

SOUTHWESTERN STATES (C)

San Antonio, Tex.

Presidents of state colleges and universities meeting in San Antonio declared that academic freedom does not mean that professors can join in student disruptions. The statement puts the American Association of State Colleges and Universities (AASCU) in opposition to college teachers. The American Association of University Professors (AAUP) is presently standing by its own definition of academic freedom adopted 30 years ago. That definition makes professors more or less free souls academically, politically, and behaviorally. AASCU will withdraw its long-standing endorsement of that definition, in favor of a new one. Reported in: *Dallas News*, November 28.

San Antonio, Tex.

The Chamber of Commerce passed a resolution stating, "The courts and our district attorney and law enforcement officers need the support of the business community and the general public in fighting the sale and distribution of pornography. We are hereby requesting that private citizens ask the distributors and sellers of this material to discontinue its sale." Reported in: *San Antonio News*, December 9.

MIDWESTERN STATES (D)

Urbana, Ill.

Two Urbana High School girls were placed on probation by the school board for the remainder of the school year for "distribution and display of obscene materials in the school building." The allegedly obscene material was a mimeographed publication using "four-letter words" to criticize school administrators. It charged that the school system forced lower-class students into remedial and vocational courses rather than academic ones. Other articles dealt with the Cairo, Illinois, racial situation and Women's Liberation. Board President Lowell Fisher, denying charges of suppression of "subversive" literature, said the board told the students they have a right to their points of view and commended the students for many of the "well-written articles." Superintendent Ray Braun, also denying charges of "political repression," said "The disciplinary action was only on the distribution of obscene materials and we had no great objection to the ideas expressed." Reported in: *Champaign Courier*, December 3.

Fort Wayne, Ind.

In response to a full-page ad in the *Journal-Gazette*, more than 1,000 letters supporting a drive by Parents for

Decency to rid Fort Wayne of smut peddlers "flooded" the office of Mayor Harold S. Zeis. [Fort Wayne has a population of approximately 170,000.] Reported in: *Fort Wayne Journal-Gazette*, December 9.

Mt. Clemens, Mich.

Selfridge Air Force Base Commander Col. Kenneth L. Gunnarson refused to allow on-base distribution of *Broken Arrow*, a monthly newspaper with an anti-Vietnam policy. The 16-page monthly is edited by base personnel. Co-editor Sgt. Derrick Risk said, "We've gone through proper channels in seeking official approval but the Colonel's only reply has been a verbal 'no' to our request." A spokesman for the airbase said, "A written decision will be rendered after we have determined whether or not a clear danger exists to good order, discipline, morale, and loyalty because of the paper." The editors of the paper have written Sen. Philip Hart (D-Mich.) seeking a congressional inquiry into the matter. Reported in: *Detroit News*, November 26.

Middletown, Ohio

At the Miami University Middletown campus, Director C. Eugene Bennett ordered that the student publication, *KAOS*, be suspended. Bennett found "objectionable" a cover photograph depicting intercourse. Editors Mike Stratten and John McGraw were suspended from their jobs but not from classes. The campus student senate resolved to investigate the possibility of financing legal help for the suspended editors. The "objectionable" photo was one of four used to illustrate the issue's theme dealing with the Commission on Obscenity and Pornography. The cover also included: A *Life* magazine photo of National Guard troops firing weapons at Kent State; a photo of the Saigon police chief firing his pistol into the head of a Vietcong suspect; and a photo of a beating death during a Rolling Stones concert in California. On page two, an explanation of the cover asked readers which photo was the most upsetting. Bennett said he will request the communication board to set standards "to assure the observance of good taste and mature judgment for student publications on the Middletown campus." Reported in: *Middletown Journal*, November 13.

Strongsville, Ohio

The school board announced it will review all textbook purchases to screen out "obscenities, immorality, and abuse of the deity of God." The action was in response to complaints from parents charging that books available in libraries, including elementary schools, contained vulgar language and obscenities. The board will also consider whether subject matter is "inspirational or depressing in attitudes toward historical figures," and will be "watchful" of presentations on the economic and political system in the country, which personalities are treated as heroes, and whether material degrades the country. Board President Robert Grosser said he expects that some persons will charge the board with censorship.

"I'm sure the policy will be revised, but there are some good things in it. . . . We felt we were not doing the job we should in the selection of books." Reported in: *Cleveland Press*, December 11.

Milwaukee, Wis.

The Freedom of Information Committee of Sigma Delta Chi, the professional journalism society, criticized President Nixon for lack of communication because of his failure to hold regular press conferences. He has met at times with selected reporters and with publishers. In seven years, President Truman held 322 press conferences. President Eisenhower held 193 in eight years. President Kennedy had 65 in less than three years. President Johnson met the press in a general conference 158 times in five years. Reported in: *Milwaukee Journal*, November 18.

SOUTHERN STATES (E)

Little Rock, Ark.

Local NET station KETS abruptly canceled a scheduled "San Francisco Rock" program to "make way for an Arkansas classical pianist in accordance with the station's effort to get a better balance of performers with more Arkansas performers shown." However, on further questioning, the program director, Edward Wooten, admitted the tape came with a note indicating it might be "objectionable" in some communities because it had a nude scene. Reported in: *Little Rock Gazette*, December 19.

Washington, D.C.

In an unusually sharply worded brief, the Nixon administration urged the U. S. Supreme Court to reverse the trend "toward legitimizing broader and broader categories of sexually frank material." The administration called on the court to abandon its 13-year-old definition of obscenity as material "utterly without redeeming social importance." It said this test of obscenity is "essentially meaningless." The brief was filed in a case involving the Swedish film, *Language of Love*. Reported in: *Baltimore Sun*, November 28.

North Miami, Fla.

City Manager Edward Connell requested that the public library remove *The Sensuous Woman* from its shelf. He said, ". . . we have to have some kind of house-keeping rules to clean up the city. Once the book is out, anybody can read it, 10- or 12-year-olds around the house. We are a city, supposed to have rules." City attorney Martin Kahn disagreed, saying, "As far as I'm concerned, *The Sensuous Woman* can stay on the shelves until it's worn out. We're not going to become book burners." Librarian Mrs. Richard Wanner ignored the city manager's request. There is presently a three- to four-month waiting list for the book. Reported in: *Miami Herald*, January 5.

Tallahassee, Fla.

The sheriff's office, local police, and school officials are attempting to confiscate all copies and trace publishers of three underground papers — *Amazing Grace*, *Black and Aware*, and *The First Edition* — being distributed on high school grounds. Administrative Assistant Cecil Hartsfield believes the publications are at the root of recent student racial strife due to their "inflammatory nature." To varying degrees, the three papers criticize school officials, city administrators, and other institutions. The papers are described as "preaching rebellion and revolution to high school students." Reported in: *Tallahassee Democrat*, December 15.

Atlanta, Ga.

At a special meeting of the State Board of Regents and State Board of Education members, then-Governor Lester Maddox called on education leaders to "crack down on books which he said promote the use of drugs, sexual immorality, socialism and communism." He received pledges of support, with regent James Carmichael saying, "The best way to impress them is to say you don't get any money until you do away with the damned things." Among the materials Maddox criticized were *A New History of the U. S.*, which carries essays by W. E. B. DuBois, whom Maddox termed a communist; John Kenneth Galbraith, Dr. Martin Luther King, Jr., and Stokely Carmichael, whom Maddox collectively criticized; *Black Like Me*, a book referred to by Maddox as about a white man who lived for a while disguised as a Negro, and "is filthy, nasty bunk and has interracial sex but is required reading in a North Georgia school"; the *Weekly Reader*, which Maddox criticized because it had an article suggesting that the national anthem be changed. He also criticized some college newspapers. Reported in: *Atlanta Journal*, November 18.

Atlanta, Ga.

"Enraged" by advertisements promoting abortions and contraceptive devices, University Regent Roy V. Harris urged his colleagues to cut off funds to the University of Georgia student newspaper, *The Red and the Black*. He said, "I don't think we, who are operating an educational institution, ought to be a party to dissemination of smut and filth." *Red and Black* Editor Steve Stewart said he felt justified in running the ads because he believes they will help eliminate unwanted pregnancies and stem "a fantastic population explosion." The abortion ad was placed by Women's Pavilion of New York. The other ad offers a "sampler" of male contraceptives from Chapel Hill, N. C. The ads were approved by the National Educational Advertising Service. Reported in: *Atlanta Constitution*, December 10.

Rocky Mount, N.C.

Two junior high school literature textbooks, *New Worlds in Literature* and *Voices in Literature*, were re-

moved from public schools in response to complaints from members of the Twin County Fundamentalist Ministerial Association. They claim the books contain curse words and stories by known communists. Rev. John Guyton listed objectionable authors as Langston Hughes, Richard Wright, Woody Guthrie, Malcolm X, Martin Luther King, and Dick Gregory. He claims the authors are, if not all communists, at least "pretty far out." The strongest "curse word" cited by Guyton is "damn" which appears twice in "The Blue Serge Suit," by John Langdon. Reportedly, petitions with 1,000 names requesting removal of the books from Edgecombe and Nash Counties have been collected. Guyton said the group will not be satisfied with making the books optional in the schools but wants them "totally eliminated statewide." The minister met with Governor Bob Scott, who agreed to confer with two other state officials (Lt. Gov. Taylor and State Superintendent of Public Instruction Phillips) to see what can be done about taking the books out of circulation. Reported in: *Raleigh News and Observer*, November 27.

Richmond, Va.

A New York abortion referral service advertisement was withdrawn from Virginia Commonwealth University's *Commonwealth Times*, following notice by the state attorney general's office that the ad would constitute a violation of Virginia law which prohibits any advertisement encouraging, promoting, or procuring anyone seeking an abortion. Reported in: *Richmond Times-Dispatch*, December 15.

NORTH ATLANTIC STATES (F)

Bridgeport, Conn.

Head Librarian Douglas C. Reid, speaking for the board of directors of the city library system, said the libraries "will continue to provide as broad a selection of reading materials as the budget limitations will permit." He added that those with children's library cards — no age limitation but up to eighth grade in school — are not permitted access to adult books. The question was posed because of a dispute involving underground publications in the Groton, Conn., library. (See January *Newsletter* for details of Groton incident.) Reported in: *Bridgeport Post*, December 17.

Groton, Conn.

The Town Council declined to reappoint two members of the library board (Mrs. Jessie Kohl and Paul Plasse) who have opposed the council in its recent censorship dispute with the library. (See January *Newsletter* for details.) The council reappointed the only board member who called for removal of certain periodicals from library shelves. Taking the place of Mrs. Kohl and Mr. Plasse are two residents whose views concerning the periodicals coincide with those of the council. Reported in: *The (New London) Day*, January 5.

Atlantic City, N.J.

In response to a complaint from an agent of Alcoholic Beverage Control (ABC), Teddy Khoury has altered a painting displayed at his bar, Teddy's Lounge. Originally, the painting featured a female, nude flamenco dancer painted by Artist Pete Guarlgia. Khoury requested that Guarlgia add flamenco pants to the dancer before displaying the picture. After the ABC agent complaint, Guarlgia added a bra (in removable paint). Reported in: *Atlantic City Press*, December 10.

Clifton, N.J.

Mayor Anne Latteri, fresh from her successful campaign to keep *The Senuous Woman* out of the Clifton library, launched her second attack against a book. Although she has not read it, she claims that James Baldwin's autobiography, *Go Tell It On The Mountain*, should not be used in a Clifton High School sophomore literature class "... because it contained four-letter words and was revolutionary." The book was removed from a required reading list, pending a final decision by the board of education. Reported in: *Paterson News*, December 2, and *Hackensack Record*, December 13.

Roselle, N.J.

Four members of the board of education voted against approval of an Abraham Clark High School English reading list because it includes J. D. Salinger's *Catcher in the Rye*. A board member, John Everett, objected to the book after he read it twice and said, "I got nothing from it. I felt I missed the point." After the second reading, he concluded, "This book isn't fit for our students." Board Member Robert Yorke, voting to approve the list, said, "I've been on the board for six years and we go through this every year. We've always allowed the book, and what has it done to the young people of Roselle?" Reported in: *Newark News*, January 13.

North Adams, Mass.

Officials at Hoosac Valley High School halted distribution of the underground newspaper, *Jailbreak*. The paper, which claims to be prepared by high school students, calls for freedom from the "lies, humiliation, harassment, and degradation" of secondary education. Superintendent of Schools Roland G. Duval said the school district has a policy against solicitations on school property without the approval of the administration. Although students have not been charged for *Jailbreak*, the paper calls for "donations," which Duval says places it within the policy's scope. Reported in: *North Adams Transcript*, December 10.

Brookville, L.I., N.Y.

C. W. Post College Dean Julian Mates closed down the FM radio station WCWP "to protect our station license" after alleged obscenities were broadcast. About thirty-five student-staff members occupied the station's

offices and vowed to remain until the station was back on the air. Steve Post, host and producer of a program on radio station WBAI-FM, was discharged from his \$13,000-a-year job as director of WCWP. Mates said that an intensive study of the station "has revealed serious flaws, largely broadcast through the lack of other guidance and guidelines." Dr. Daniel Scanlan, chairman of the Theater Arts Department, said he thought Federal Communications Commission regulations prohibiting obscenities had been breached. He said, however, that no notice had been received from the FCC and there was only a "hunch" that the agency might object. Reported in: *New York Times*, December 1.

New York, N.Y.

The 1,500-member New York City Local of the Motion Picture Projectionists Union threatened to stop running X-rated or unrated films unless theater owners agree to eliminate outside displays depicting sexual activity. The union also demanded that the owners join in lobbying against prosecution of projectionists. About 65 percent of the city's theater owners signed such agreements, said Steve D'Incillo, the local's president, who added that he expects the rest of the owners to agree soon. "We are unalterably opposed to censorship, but we are also unalterably opposed to all this degenerated and degraded material." Eight of the local's members were arrested in recent weeks when police raided theaters. Reported in: *Washington Wall Street Journal, Eastern Edition*, December 10.

Troy, N.Y.

A group of about fifty citizens demanded that the Averill Park School Board order an end to use of several books in some high schools. The books included *Catcher In The Rye*, by J. D. Salinger, *Soul On Ice*, by Eldridge Cleaver, *Midnight Cowboy*, by Leo Herliky, and *The Godfather*, by Mario Puzzo. Mrs. Mary Jane Eaton, board president, said the board will not act until it receives a report from a committee studying a policy recommendation concerning the selection of instructional materials. Reported in: *Troy Times Record*, November 27.

White Plains, N.Y.

The board of education made public its revised statement concerning distribution of certain materials on school property. The policy reads: "The board of education specifically bans from board-owned property any materials, visual or audiovisual, which a reasonable man would deem to be obscene or libelous according to current legal standards, or which incite or provoke disregard of the law or school regulations so as to create a clear and present danger to the persons and property

under the jurisdiction of this school district." Joseph Conason, a White Plains High School student and editor of the underground *Paper Workshop*, was suspended from school for a day in November for distributing *Paper Workshop* on campus without school permission. Commenting on the revised policy, Conason said, "I don't like it at all." Reported in: *White Plains Reporter Dispatch*, December 15.

Philadelphia, Pa.

About 100 Edison High School students broke windows and doors on December 18 to protest the school's refusal to permit the showing of a North Vietnamese revolutionary movie, *People's War*. School Principal Albert Glassman dismissed classes but was unable to address students because an amplifying system, stolen during a September teachers' strike, had not been replaced. Reported in: *Philadelphia Inquirer*, December 19.

Pittsburgh, Pa.

A national teachers conference on Negro history urged U. S. schools to "discard or boycott" textbooks that neglect or distort the role of "Afro-Americans" in chronicling American society. The assembly of 1,300 members of the AFL-CIO American Federation of Teachers also called on the AFT's 650 locals to negotiate contracts that insist on instruction in "Afro-American history in all classrooms" from kindergarten up. Another proposal adopted by the delegates calls for universal substitution of the term "Afro-American" or "African-American" for "the slavery-imposed name" 'Negro' in referring to Americans of African descent. Experts on Negro history told the conference that until recently most textbooks have helped keep ". . . white supremacy alive by dismissing Negroes as innately inferior and by distorting the Negro heritage." One point raised was that most textbooks deal with the Negro's slave heritage but fail to touch on his earlier "freedom heritage" in Africa. Reported in: *Pittsburgh Courier*, December 19.

Providence, R.I.

At Schituate High School, an eight-week course entitled, "The Black in America," was suspended when parents criticized "objectionable" passages including sex and profanity in two books: *Black Boy* and *The Learning Tree*. At a November 11 school committee meeting, the chairman, Carlton H. Merrill, told 300 persons that the committee did not suspend the course to censor or ban books. He said the English Department added the black-literature course and the books to the curriculum without consulting the school committee, which, by law, is responsible for any changes in curriculum. He said the

issue is an unauthorized change, not censorship. Two Schituate students challenged parents to debate the merits of the course. They said Schituate residents who complained about the books "are using the charges of vulgarity to hide behind their racial prejudices and their general distaste for the blacks. The townspeople are using the vulgarity as an excuse to prevent any form of expository literature." They also said the refusal of the townspeople to make themselves aware of the plight of their fellow human beings is appalling. Reported in: *Providence Journal*, November 19.

Hodgin Suit Under Study

On December 9, the 4th Circuit Court of Appeals took under advisement a plea from T. Ellis Hodgin, a former Martinsville, Virginia, city librarian, to restore him to the job he lost while winning a religious liberties suit.

Hodgin contends that City Manager Thomas Noland dismissed him in July 1969 because he became involved in a suit challenging the constitutionality of the city school system's part-time religious education program. Noland denied the charge. At the December 9 hearing, Jackson L. Kiser, Noland's lawyer, said Hodgin was asked to resign because of improper budgetary practices.

Noland asked for Hodgin's resignation four days after the filing of the religious liberties suit in the federal court of Danville. Hodgin was one of the three plaintiffs. Hodgin refused to resign and was dismissed by Noland, according to federal court records.

Chief Judge Clement F. Haynsworth, Jr., remarked at the opening of yesterday's hearing that, if it can be proved that Hodgin was dismissed for participating in the religious liberties suit, he is entitled to be reinstated in his former job.

Robert P. Dvoskin, counsel for Hodgin, contended that his client was entitled to, but did not receive, advance notice of the intention to dismiss him, a list of reasons for the dismissal, and an opportunity to rebut the charges.

The city manager's lawyer told the appellate court that Hodgin knew why he was being dismissed. He said Hodgin overspent his budget for book supplies in order to build up the library. Payment for the books was being made in the following fiscal year.

Dvoskin said that the city was aware of Hodgin's practices but made no effort to correct them.

The religious education suit involved the teaching of religion in the Martinsville public schools. Attendance was voluntary. U. S. District Judge Ted Dalton declared in May that the Martinsville plan was unconstitutional. Reported in: *Richmond Times-Dispatch*, December 10.

[On July 1, 1970, Mr. Hodgin was awarded \$500 by the Freedom to Read Foundation "for hardship suffered in

Correction

Haig Bosmajian, editor of *Free Speech*, has pointed out that the quote on page 26 of the January Newsletter sounds much more like Milton than Mill. The correct quote from Milton's *Areopagitica* is, "Let her [Truth] and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?"

his defense of freedom of speech as a result of which he lost his position as a librarian. Inasmuch as it is the obligation of the librarian to protect free speech and a free press through his work as a librarian, it is then particularly appropriate that, when he is deprived of his job because of his own exercise of free speech, the Freedom to Read Foundation assist him in his defense of his freedom." Ed.]

MLA-IFC PROTESTS

Ann Webb

[Ann Webb is chairman, Intellectual Freedom Committee of the Missouri Library Association.]

The following letter appeared in the *St. Louis Post-Dispatch* "Letters from the People" column, December 28, 1970. It was written to protest a petition drive to rid St. Louis of "filthy pictures and pornography."

Dear Sirs:

Mrs. Billie Lasker's "filthy pictures and pornography" petition (*Post-Dispatch*, December 17) is a perfect example of attempted censorship.

To the many people concerned about the corrupting influence of "filthy" movies, I wish to point out: (1) No one attends such movies under duress. (2) Children do not wander into "pornographic" movies unless they have considerable freedom of movement, pocket money, and little parental supervision. (3) Girls do not become pregnant from seeing movies but from participating in sexual intercourse. (4) The decision to produce such movies is made on the basis of the financial success of previous films. The best way to break this cycle is to stay away from X-rated films.

Personal freedom is vital to democracy, and freedom is a dangerous commodity unless those who have it use it wisely. Attending X-rated films in order to be shocked is a case in point. At the same time, freedom is a very fragile thing which can be preserved only by treasuring it, not by lopping off parts of it. Anyone who values democracy will insist on the right to decide what movies he will or will not see, rather than handing over that right to Congress or to someone who stands on a sidewalk.

Viewpoint: On Being Loyal

W.S. Merwin

[The following is a statement made by Mr. Merwin before reading his poems at the State University of New York at Buffalo on October 14, 1970.]

I must ask your forbearance for not following that introduction at once with poems, as I had expected to do, and would have preferred to do. There are a few things that I feel I have to say first.

I was invited here last August, to spend the best part of three days, give a reading of my poems, and talk with students twice in some manner that might be construed as lecturing them. I did not know, when I accepted, that there was a string attached. I must say at once that the members of the faculty here who invited me were unaware of this string when they did so, that they told me about it at once, and with shame, when they discovered it a couple of weeks ago, and that they have since tried their best to disentangle it. It was not until a few hours ago that it became clear that the string was inseparable from the pocketbook.

This was the form of it. When I came here I would be asked to sign the following, pursuant to Section 3002, Education Law of the State of New York, as amended:

I do hereby pledge and declare that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the position of (in my case, I understand, the wording here would be "visiting lecturer") according to the best of my ability.

Words have something essential to do with my having been asked here in the first place — but not this kind of language. I suppose I understand the purpose of the demand for such pledging and declaring. I mean, I cannot imagine what other purpose it can have than to serve as a trap for such teachers as might be tempted to voice political views unwelcome to those currently in positions of political power, at least while the teachers are within the walls of what are probably still the freest institutions of our society. (I mean, in case anyone wonders what institutions I am referring to, the universities — even the state universities.)

I have not asked who else may have signed this statement nor for what reasons. That is none of my business. Others perhaps stand to lose things of real value to them by refusing to sign. As for me, I was told that it could be made easy for me; that I might append to my signature my reservations, whatever they might be. But I saw no reason why I should be thus maneuvered into rendering my signature meaningless for that is what it would have come to — for the sake of money. In my own case, if I

did not sign I could not be fired. I would merely not be paid the money that I had been offered when I was invited to come here. The money is Caesar's, and those are Caesar's terms. It seemed to me that I had no choice: and I will not sign this thing. I believe I owe those who framed this condition no explanation for my refusal. I am not sure that they would understand one. I am not sure, to tell the truth, that I can fully explain my refusal to anyone, but I want to take this occasion to try to set down a few of my reasons, not for them, nor for anyone who may have been paid to sit here tonight, but for us. Well, yes, for them too; for all of us. I hope you will bear with me if my reasons, as I try to formulate them, seem to you — as Thomas Jefferson put it — self-evident.

And at the head of my own hurried and necessarily incomplete statement I would like to quote (correctly, I hope, because I'm doing it from memory) a question which I think must be described as rhetorical, from the Stoic Epictetus:

Can the soldier's oath be compared to ours? For they have sworn to obey Caesar before everything, but we to respect ourselves first of all.

Let me deal first with a few minor quibbles. Legal language presumably has a precision of its own, perhaps even when it sounds — as it does here — to mean not, but blunder round about a meaning. What are these duties of a visiting lecturer which I am to discharge faithfully, in the opinion of heaven knows who among the politicians of this sovereign state? I asked no favor of them, and I am not grateful to them for being put in a position in which it might appear as though I had. I was asked to come here. It seems to me that I am, at the moment, faithfully discharging my duty in addressing anyone, including myself: I am trying, in a given situation, to tell the truth. As for the reading or speaking of my poems, I will not be accountable to these faceless worthies on that subject for the sake of money, even though it were more money than they can pretend to command.

Next, the signer pledges himself to "support" these two constitutions. I take the provision seriously — perhaps more seriously than the framer of the oath. And I have to confess, for one thing, that I am not at the moment deeply conversant with the constitution of the State of New York, and would scarcely have had time to study it properly between being told the conditions under which I might be paid, and this evening. I have a longer acquaintance — of an amateur sort — with the Constitution of the United States. It is one of the many subjects that we are frequently told should be left to professionals to interpret — unless it's a question of swearing to support it, despite the limitations of our private understanding.

Speaking from my own limitations, I cannot believe that the framers of the Constitution of the United States

meant it to be a humiliating experience to be an American citizen. I find the existence of this oath, and the demand to sign it, here, now, for such reasons, humiliating, and I would find it still more shaming if I were to sign it, in these circumstances. It seems to me, in my position as an ordinary, relatively helpless citizen who has never sought public office, that I could not better support the Constitution of the United States — whatever about it I respect, and whatever its authors meant to protect — than by refusing to sign a statement which is clearly a small legislative outrage against individual liberty, perpetrated in its name.

I believe that what the legislators who framed and adopted this condition had in mind was not the Constitution but only the interpretation of it that suited their immediate convenience. I am far from sure that I could promise to support that, when they apparently saw no inconsistency between the Bill of Rights and the loyalty oath in question, in a situation like this.

I know that someone can usually be paid to argue more quickly, more cleverly, more deviously, probably more convincingly, than the ordinary citizen. In a society based on buying and persuading to buy, this is a phenomenon that we watch daily, and that compounds the temptation to despair. One virtue of the situation, perhaps, is that it drives us back — if we had needed to be driven back — to things that cannot be bought. I was asked to come here not because I am, in fact, a visiting lecturer (that was simply the category in which I was put, for administrative purposes) but because those who invited me thought of me as a poet. What does that have to do with buying and selling? If I am a poet — and I say that with complete seriousness — what loyalties does that entail? I hope I wouldn't presume to prescribe them for anyone else. Occasionally, in my own case, I think I know. I remember Bertrand Russell saying that if a poet can't be independent, no one else can be. I'm not sure he had that the right way around. It seems to me that in so far as a man prizes some spring of independence — independence from the cant of economics and the tyranny of history — in himself, the hope of being fully human, which is integral to all poetry, remains alive.

As for me, whatever independence I can bear seems precious to me, something not to be sold for a bit of money, or a bit of security, or the approval of a few of the leaders of a corrupt and desperate society. I am not what is sometimes called "politically minded." Politics in themselves bore me profoundly, and the assumption of the final reality of the power to manipulate other men's lives merely depresses me. But injustice, official brutality, and the destruction on a vast scale of private liberties are all around me and I cannot pretend that it's not so, nor that I can accept such things, when I have a chance to say no to them. Section 3002 of the Education Law of the State of New York, as amended, seems to me, layman that I am, a deliberate degradation of all that the authors of the Bill of Rights had in mind.

It is not really surprising to me that such a situation should obtain at a time when the laws of the United States, as currently interpreted, apparently condone the continuation of an undeclared, racist war conducted against small countries — heaven knows how many of them at this moment — halfway around the world, and when the laws of the State of New York permit police entry without warning, and the holding, month after month, without trial, of the Panthers in New York City. Is it, after all, those who protest these circumstances, or those who perpetuate them, who are displaying the real contempt for the Constitution of the United States — and, for all I know, that of the State of New York? I hope there is never a better time to say that I believe that the insistence on individual liberty and poetry itself rise from the same source — what Keats called the truth of the imagination, and what others have called the human spirit. And I hope I may never hesitate in placing my loyalty to that source, as and when I can recognize it (for no one else can recognize it for me) before my loyalty to any state document or institution.

Those, at any rate, are some of the reasons why I refused to sign. I have spoken of them to no one else here, and the responsibility for what I have said cannot be laid in whole or in part upon any member of the faculty of this university. Now I am going to read anyway, and you will all know what I mean if I call it a free reading.

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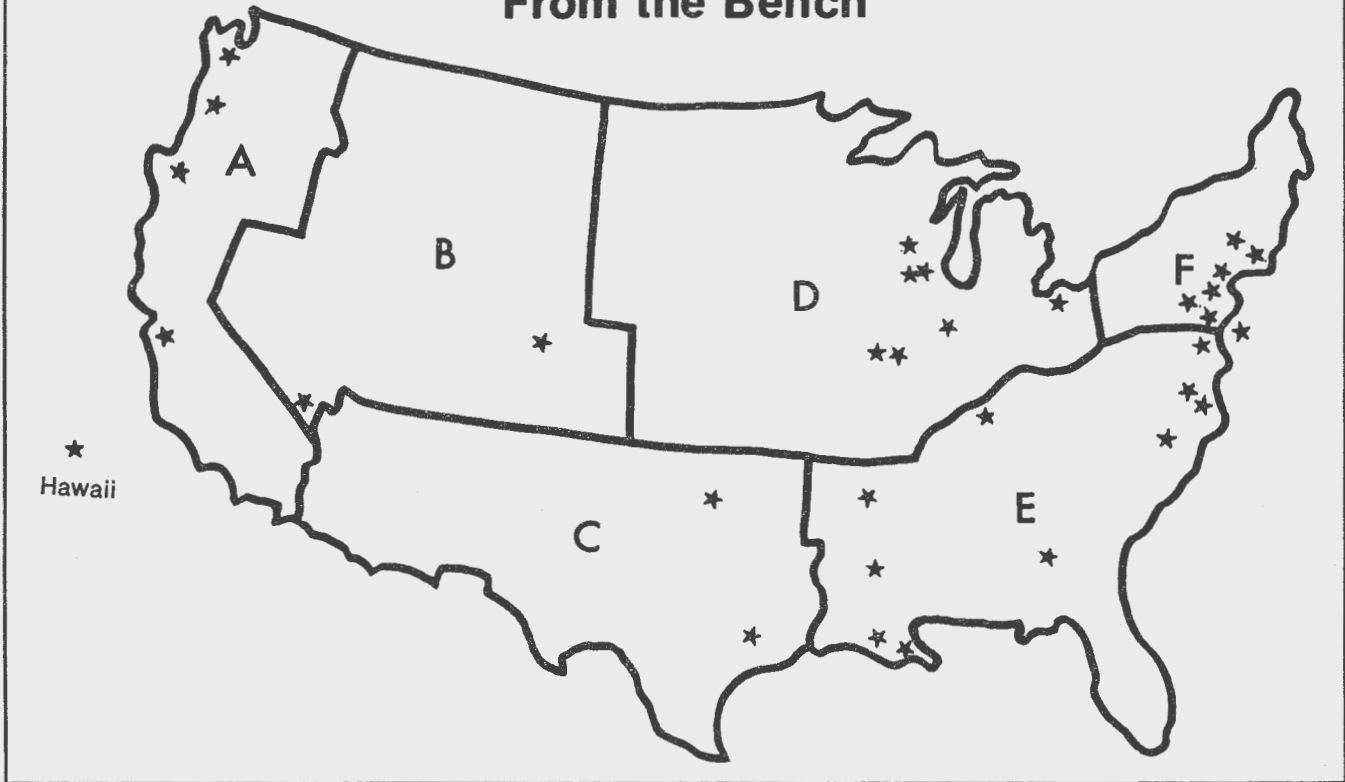
U.S. Supreme Court Actions

The Supreme Court unanimously struck down two federal laws used to keep "obscene" material out of the mails. In an opinion by Justice William J. Brennan, Jr., the court affirmed two decisions by lower courts in cases from Atlanta and Los Angeles which held the laws violated freedom of expression. All nine justices joined in the judgment, although Justice Hugo Black agreed only in the result, not concurring in Brennan's opinion.

One law — dating back to the 1800's — allowed the Postmaster General to decide, after a hearing, whether mailed matter is obscene and to block mail addressed to the sender of such matter. The burden of getting judicial review of such a decision is on the person whose mail has been blocked.

The second, more recent federal law allowed postal authorities to get court action while awaiting the result of an administrative procedure to determine obscenity. Under it, a federal district court could impound the incoming mail of a person suspected of mailing obscene material. Thus, money sent by persons wishing to obtain the material is impounded, pending the outcome of the case. Reported in: *Chicago Sun-Times*, January 15.

From the Bench



PACIFIC COAST STATES (A)

Los Angeles, Cal.

Superior Court Judge Robert H. Patton ruled that Miss Leslie Hoag, a Valley College English teacher fired last year for reading the poem "Jehovah's Child" in class, must be reinstated. Judge Patton found no evidence that Miss Hoag "had any lewd or erotic purpose in mind" when she read and distributed the poem. He said it was "simply preposterous" to suppose the students, all over 18, could have been "morally" harmed. Last August, in a similar case, Judge Patton ordered reinstatement of Mrs. Deena Metzger, author of the poem. Neither Miss Hoag nor Mrs. Metzger have returned to their jobs, and trustees say they will appeal Judge Patton's decisions. Reported in: *Los Angeles Times*, December 5.

San Francisco, Cal.

Superior Court Judge Edmund M. Moor, in a case involving the denial of a permit to Expo '69, a pornographic movie theater, ordered the Board of Permit Appeals to rescind an earlier decision denying the permit. Expo '69 is one of seven theaters deprived of operating permits at the behest of the San Francisco Citizens Com-

mittee for Social Order. The board, the Judge said, had "committed a prejudicial abuse of discretion." Reported in: *San Francisco Chronicle*, November 24.

Honolulu, Hawaii

Circuit Court Judge Yasutaka Fukushima ruled that Hawaii's 101-year-old obscenity law is unconstitutional because it is "vague and patently defective." Judge Fukushima said that the movie *Sex Marathon* can continue to be shown at the Risque Theater. The decision resulted from the city prosecuting attorney's request that a restraining order against exhibition of the movie be granted. Judge Fukushima questioned the claim that people would suffer "irreparable damage" if the movie continued to be shown. He said "What is the damage? You don't have to go look at it. You have a choice." Reported in: *Philadelphia Inquirer*, December 3.

Portland, Ore.

A federal panel composed of Judges Alfred T. Goodwin, Walter Ely, and Robert C. Belloni declared Oregon's law against disseminating obscene materials unconstitutional in light of recent U. S. Supreme Court decisions. The panel said the law is "overbroad in that it makes it possible for industrious censors to prosecute for activity

which is in no respect criminal." Judge Goodwin, ruling in another case, declared a Portland city ordinance unconstitutional also. The ordinance makes any place exhibiting obscene materials a public nuisance. It was used by the council in refusing to renew a business license for Oregon Bookmark Corporation. Judge Goodwin said it was immaterial whether the material examined by the council was obscene because the ordinance was capable of "sweeping up the nonobscene as well. . . . It permits a type of censorship which depends upon the uncontrolled discretion of the City Council as censor." Reported in: *Portland Oregonian*, November 20.

Seattle, Wash.

State Court of Appeals Judges Herbert Swanson, Jerome Farris, and Frank D. James reversed the conviction of Jessie Allen Cox, a bookstore clerk convicted in Justice Court of selling obscene materials. In reversing the conviction, the court said: "Without hesitation, we find Cox's magazines and films to be intended to appeal to a prurient interest in sex. We find them to be patently offensive to contemporary community standards. By dictionary definition and by common understanding, the material is clearly pornographic. That such material has redeeming social value appears to be the rationale of the [U. S.] Supreme Court's decisions which have reversed convictions for the possession and sale of similar magazines and films. Thus, it is not 'hard-core' pornography; . . . his method of selling was not an assault upon individual privacy. For the reasons stated, we hold that Cox's possession and selling of the seized materials was constitutionally protected, and his conviction is reversed." Reported in: *Seattle Times*, December 1.

ROCKY MOUNTAIN STATES (B)

Denver, Colo.

Judge Zeda Weinshienk, Denver County Court, in a trial without a jury, convicted David Sussman, former salesman at Book Worm Bookstore, of promotion and sale of obscene material. Referring to three standards supplied for the definition of obscene publications, Judge Weinshienk ruled that the material appealed to prurient interests, didn't have socially redeeming value, and affronted contemporary community standards. She referred to a ruling she made in another case in October in which materials showing principally nude scenes weren't declared obscene. However, she said, the materials in the Sussman case go beyond the display of nudity. Reported in: *Denver Post*, November 26.

Las Vegas, Nev.

District Judge William Morse, in a case involving the Book Bar and Fun City, two "adult" bookstores, declared several two-minute films called "peep" shows to be hardcore pornography. Twenty-two films showing people engaged in various heterosexual and homosexual activities were seized. City attorney Edward Gripenotrog

said he would immediately move to revoke the business license of both establishments and to close all theaters and movie arcades exhibiting such films. Reported in: *Las Vegas Review-Journal*, December 18.

SOUTHWESTERN STATES (C)

Dallas, Tex.

U. S. District Judge Joe E. Estes, ruling in a case involving William Grover, declared constitutional a federal law making it a felony to transport obscene materials across state lines. Judge Estes said Supreme Court cases are still pending, "but my circuit [U. S. Fifth Circuit Court of Appeals] has spoken and I declare the law constitutional." Reported in: *Dallas Times Herald*, November 28.

Houston, Tex.

U. S. District Judge Woodrow Seales ordered that Paul Kitchen, a Waltrip Senior High School student suspended for selling an underground newspaper (*Space City!*), be readmitted under a temporary restraining order. Principal Gordon Cotton said, "Students have published underground newspapers here at Waltrip and I have approved them, because the students followed school board regulations. Paul did not do this. He did not follow any policy." Kitchen's father said the boy was suspended for selling the papers half a block from the school. Cotton said copies were brought into the school. Reported in: *Houston Post*, November 26.

MIDWESTERN STATES (D)

Chicago, Ill.

Circuit Court Magistrate Samuel Shamberg ruled that the film *He and She* is obscene and can no longer be shown in Cook County. In so ruling, Magistrate Shamberg said the film is "strictly a false pretense of trying to present a scientific view of sex." Reported in: *Chicago Today*, December 10.

Chicago, Ill.

U. S. Court of Appeals Judge Latham Castle upheld the dismissal of a labor union's suit seeking to force four major Chicago newspapers to publish an advertisement which they had rejected. The rejected ad was intended to explain the Amalgamated Clothing Workers of America's reasons for picketing Marshall Field & Co. last year. The union picketed to protest the sale of foreign-made clothes by the store. Judge Latham said, "The First Amendment guarantees free expression for all, but the union's right to free speech does not give it the right to make use of the newspapers' printing presses and distributing systems without the newspapers' consent." Reported in: *Chicago Tribune*, December 19.

Terre Haute, Ind.

Judge Paul M. Messick found Mrs. Dorothy Swiger, manager of the Village Cinema Theater, guilty of exhibiting an obscene and indecent motion picture, *Carney Girl*. Mrs. Swiger was indicted on the charge last July after a probable cause hearing was conducted on a complaint by a local clergyman. She faces similar charges on the film *Country Girl*. Reported in: *Terre Haute Star*, December 8.

St. Louis, Mo.

St. Louis County Circuit Judge Drew Lutten, Jr., denied a motion to prohibit the sale of Jerry Rubin's *Do It!* in St. Louis County. In denying the injunction, Judge Lutten said recent decisions on obscenity were too vague to find *Do It!* obscene "within the meaning of Missouri statutes." Lutten dismissed the case "without prejudice," and said it can be refiled if outcomes of cases pending before the U. S. Supreme Court make another suit pertinent. The St. Louis County prosecutor brought the suit against a bookseller who operates three bookstores in the county, in an attempt to have the court declare the book obscene instead of leaving that judgment to police officers. Reported in: *St. Louis Post-Dispatch*, November 14.

St. Louis, Mo.

Louis J. DiCarlo, manager of the Apollo Art Theater, was fined \$250 and costs by City Judge George W. Cade after pleading guilty to a charge of exhibiting obscene matter. DiCarlo, 23 years old, was arrested by vice squad detectives in August for showing the movie *Man and Wife*, portraying intimate bedroom scenes and advertised as sex education. Reported in: *St. Louis Post-Dispatch*, November 29.

Cleveland, Ohio

Common Pleas Judge George McMonagle granted an injunction to ban showing of the movie *He and She*. The judge granted the injunction after seeing excerpts from the film and hearing testimony from an East Cleveland policeman stating sex crimes in that suburb had increased during the seven-week showing of the movie. The theater's attorney alleges the seizure was illegal and that Ohio's obscenity law is unconstitutional because it defines as obscene certain publications that the U. S. Supreme Court has ruled not obscene. Reported in: *Cleveland Press*, December 31.

Madison, Wis.

Federal Judge James E. Doyle ruled that the government cannot prohibit the use of obscene materials nor prevent obscene plays, dances, or performances, unless the materials expose children to obscenity or insult "the sensibilities of unwilling adults." Judge Doyle handed down the decisions in three cases, two involving the Dangle Lounge, Madison, and one involving New York City distributors accused of transporting obscene maga-

zines to Wausau, Wis. Judge Doyle cited the U. S. Supreme Court case of *Stanley v. Georgia* in his ruling. He said that a Madison ordinance concerning distribution and exhibition of obscene materials is clearly overbroad because it makes it unlawful to participate in an obscene dance any place or time, under any circumstances, including one's own home. Reported in: *Milwaukee Journal*, November 25.

SOUTHERN STATES (E)

Washington, D.C.

The U. S. Supreme Court upheld the reversal of convictions in two obscenity cases. In a Massachusetts case involving two booksellers, Joseph Hunt and Joseph Palidino, Jr., the court voted 5-3, without written opinion, that no photograph of the female anatomy can be held obscene, regardless of the pose, so long as it does not portray sexual activity. In a case involving the conviction of a California stag movie seller for distributing a film depicting female masturbation, the court voted 4-4 to affirm the reversal of the conviction of William Pinkus on the ground the film was protected by the First Amendment. Justice William O. Douglas abstained from voting in the Pinkus case without expressed reason. Reported in: *Boston Globe*, November 24.

Atlanta, Ga.

Fulton County Superior Court Judge Claude Shaw, in a case involving the movie *How To Succeed With Girls*, declared the film not obscene under the law. "It's the only one out of a large number I've had that I've not declared obscene," said Judge Shaw, ". . . but I'm not a censor, and I've got to gauge these things according to law. Unless they're utterly without redeeming social value, I've got to let them pass." He added, "I found the picture personally obnoxious and very distasteful, but, weighing it against the First Amendment and the trend of the U. S. Supreme Court decisions, I was prepared to hold that it was not violative of the obscenity law." Reported in: *Atlanta Constitution*, December 3.

Frankfort, Ky.

The Kentucky Court of Appeals ruled that a reporter should have told a grand jury the identities of two persons he saw making hashish, an illegal drug. In a 5-1 decision, the state's highest tribunal ruled that Paul Branzburg of the *Louisville Courier Journal* was not covered by a statute which allows newsmen to protect sources of information when he wrote a story last year describing the process for making "hash." Roy Vance, Jr., appellate commissioner, said "The reporter was not asked to reveal the identity of any such informant, and his privilege from making that disclosure is not in question. He was asked to disclose the identity of persons seen by him in the perpetration of a crime and he refused. . . ." Judge Edward Hill, dissenting from the majority opinion, said "The

majority adopted a strained and unnecessarily narrow construction of the term 'source of any information procured or obtained' which is in the statutes. He said further, "I believe, as apparently did the legislature, that the benefits to society from thoroughly and correctly reporting current events . . . outweighs the problem and highly imaginary possibility of their abuse under statutes." Reported in: *Baltimore Sun*, November 28.

New Orleans, La.

Federal District Court Judge Edward J. Boyle, Sr., refused to issue a temporary restraining order that would have allowed La Mise en Scene, a downtown theatrical troupe, to continue its production of *Marat/Sade*. The theater was raided December 11, and twenty actors — including Director Maurice Kowalweski — were booked on a variety of charges ranging from committing unnatural sex acts and indecent behavior to contributing to the delinquency of three juvenile actors. The charges stem from a scene in the play in which the main character is flogged and a scene in which Marat appears nude in a bathtub. One observer commented, "If he weren't nude in the tub that would be an act against nature, I should think." La Mise en Scene's injunction suit claimed a violation of constitutional rights and sought \$100,000 damages against Police Superintendent Clarence B. Giarrusso. No reason was given for the denial of the restraining order. Reported in: *New Orleans Times-Picayune*, December 15.

New Orleans, La.

District Court Judge Rubin, in *U. S. v. Head*, involving prosecution of an allegedly obscene underground newspaper, ruled that the newspaper is constitutionally protected. Judge Rubin noted that the 16-page newspaper contains some items advertising sexual matters but is predominately devoted to "libidinally" neutral news reports, poetry, art work, and discussions of topics — including radical, social, and political commentary, generally of interest to the particular community it seeks to serve. Reported in: *Southern Reports, Advance Sheets*, December 24.

Jackson, Miss.

The State Supreme Court overturned Mississippi's law against the teaching of evolution, the last such state law in the nation. The statute, as well as making it unlawful for public supported institutions to teach that "mankind ascended or descended from a lower order of animals," also proscribed textbooks that teach evolution. Reported in: *New York Times*, December 22.

Raleigh, N.C.

A three-judge federal panel, in one of several cases involving the operation of "adults only" bookstores in Fayetteville, declared that the state obscenity law is "un-

constitutional on its face and void because it abridges the freedom of speech clause in the First Amendment made applicable to the states by the 14th Amendment." The Attorney General's office said the decision of the federal panel leaves the possibility that the law can be revived if the state court interprets it narrowly and includes in its interpretation all the restrictions required by the U. S. Supreme Court. Reported in: *Raleigh News and Observer*, November 27.

Memphis, Tenn.

An all-male criminal court jury decided that color photos of nude women are not pornographic and acquitted two downtown newsstand employees of charges of selling obscene material. Laymen Farley and Leland Farley, clerks at the Adult Center, were charged with selling a magazine and a deck of oversized playing cards featuring pictures of nude women which the state alleged were obscene under Tennessee law. Reported in: *Memphis Press Scimitar*, November 19.

Portsmouth, Va.

Hustings Court Judge R. Winston Bain ruled that more than 300 magazines from the Village Books Store are obscene. In so ruling, Judge Bain described the magazines as having "no artistic, literary, medical, scientific, cultural, or educational values considered as a whole." Counsel for the Village Books Store said he will appeal the decision to the Virginia Supreme Court. Reported in: *Norfolk Pilot*, November 24.

Richmond, Va.

Fourth U. S. Circuit Court Judge J. Braxton Craven, Jr., ruled that the activities of Sheriff Damon Huskey of Rutherford County, N. C., "cannot be tolerated in a free society." Upholding a ruling by the U. S. District Court at Charlotte that "effectively restrained further censorship activities by the sheriff," the Appeals Court found that the law officer's actions, "however well intentioned," were unconstitutional. Sheriff Huskey, in a campaign that was "for a while . . . remarkably successful," based his approach on the theory that all movies except those rated for general audiences are obscene. The sheriff proved such an effective censor that, for a six-week period in 1969, the plaintiffs (Drive-In Theaters, Inc.) discontinued entirely the showing of adult-rated films. The lower court said the sheriff's actions caused the public to be faced with a steady diet of G movies, and consequently they stayed away in droves, effectively putting the plaintiffs out of business. The appeals court held that "the sheriff's method of informal censorship was unconstitutional prior administrative restraint on free speech and unconstitutional as a violation of the First and Fourteenth Amendments." Joining Judge Craven in the eight-page opinion were Chief Judge Clement Haynsworth, Jr., and Judge Harrison L. Winter. Reported in: *Richmond News Leader*, November 24.

NORTH ATLANTIC STATES (F)

Hartford, Conn.

Federal District Court Judge T. Emmet Clarie refused to grant the Rev. Daniel Berrigan and the Rev. Philip F. Berrigan the right to send their writings and tape-recorded sermons outside the Federal Correctional Institution in Danbury. Judge Claire also refused to consider the suit as a class action in behalf of all 21,000 federal prisoners. "The prisoners have not made a bona-fide attempt to submit a manuscript for approval under the existing Bureau of Prison rules," Judge Clarie said. The Berrigans are serving sentences for destroying Selective Service records in Maryland. Rev. Philip Berrigan has been indicted on charges of conspiring to kidnap a presidential adviser and blow up heating ducts connecting government buildings in Washington. Reported in: *New York Times*, January 24.

Wilmington, Del.

A federal panel composed of Judges Edwin Steele, Jr., Caleb M. Wright, and Collins J. Seitz ordered the return of 360 magazines seized from a Newcastle Farmers Market dealer by county police who claimed the publications were "obscene." The dealer, Jerry Rosen, proprietor of The Bookshop, was arrested September 20 and charged with selling obscene literature. Judge Steele, author of the opinion, held that because a search warrant was issued and executed without any "prior determination in an adversary proceeding that the seized materials were obscene," the "widespread seizure" violated Rosen's right to due process of law under the Fourth Amendment. Steele said the warrant, in directing seizure of "other material obscene" also violated the Fourth Amendment requirement that things to be seized must be particularly described in a search warrant. Reported in: *Wilmington Journal*, November 3.

Boston, Mass.

The Massachusetts Supreme Court reversed the conviction of a Lawrence bookstore operator for selling "girlie" magazines. Under recent U. S. Supreme Court rulings, pictures of nudes in suggestive poses are not legally obscene, the state court said. "So long as these decisions stand we have no choice but to follow them," the court noted, but emphasized that it did not agree with the U. S. Supreme Court on the subject. Reported in: *Boston Herald-Traveler*, October 30.

Lawrence, Mass.

The U. S. Court of Appeals refused to grant any further delay in reinstating Roger Mailloux, an English teacher suspended in October. (See January *Newsletter* for details of case.) The order to reinstate was issued by Federal Court Judge Charles E. Wyzanski, Jr., on December 21. Reported in: *Boston Globe*, January 7.

Bergen County, N.J.

Matthew Pollon, president of RKO-Stanley Warner Theater, Inc., and Martin Perlberg, vice president, were indicted by a Bergen County grand jury on charges of obscenity in connection with the distribution of the movie *He and She*. The film features a nude couple demonstrating sex techniques. Reported in: *New York News*, November 26.

New York, N.Y.

A federal panel composed of Judges J. Edward Lumbard, Sterry R. Waterman, and Robert P. Anderson ruled that a state law prohibiting the display of words or symbols on the U. S. flag is unconstitutional. The decision grew out of an attempt by Nassau County District Attorney William Cahn to prosecute a Long Island group for distributing buttons featuring a peace symbol imposed on a representation of the flag. The court's decision said the disputed section of the New York law, making it a misdemeanor to display any word, design, or advertisement on any flag, standard, or ensign of the U. S., is too broad because it prohibits activities protected by the First Amendment. The court contends that the law could prohibit all kinds of buttons and posters used for years in election campaigns and patriotic movements. "It permits only that expression which local officials will tolerate; for example, it permits local officials to prosecute peace demonstrators but to allow 'patriotic' organizations and political candidates to go unprosecuted." Reported in: *New York Times*, December 25.

Philadelphia, Pa.

Common Pleas Judge Bernard J. Kelley ruled against four former Franklin High School students who contend their constitutional rights were violated when they were suspended and subsequently transferred to other schools after distributing leaflets describing Franklin's principal as a "boot licker." Judge Kelley, declaring that the school administration acted within its legal authority, based his opinion on the fact that the leaflets were partly responsible for precipitating widespread disruption at the school on October 27, causing early dismissal and deployment of police. He said, "Freedom of speech . . . may be exercised to its fullest potential on school premises so long as it does not unreasonably interfere with the normal school activities." Reported in: *Philadelphia Inquirer*, January 8.

" . . . altogether too often in the course of history the burning of books has been a ritualistic preliminary to the burning of people."

— Anthony Hecht [professor of rhetoric and poetry and recipient of the 1968 Pulitzer Prize for Poetry] in an address on "Smut" to the Friends of the Rochester Public Library (*Rochester Review*, Summer 1970).

Midwinter . . . (from page 30)

In any case investigated by state committees, the ALA Intellectual Freedom Committee will accept the results of the investigation only if a member or members of the ALA Intellectual Freedom Committee and/or staff of the ALA Office for Intellectual Freedom serve(s) as consultant(s) to the state intellectual freedom committee to ensure that accepted ALA policies are observed in the conduct of the investigation.

Further, for the results of such investigations to be accepted by the ALA Intellectual Freedom Committee, the member or members serving as consultant(s) must accompany the investigating team and be present during all hearings held under its auspices. Such hearings must be conducted in accordance with procedures set forth in the *Program Of Action In Support Of The Library Bill Of Rights*.

It is, therefore, incumbent upon the state intellectual freedom committee or other unit established by the state association to handle investigations, to determine if and at what point it is appropriate to request assistance from the ALA Intellectual Freedom Committee.

Black Caucus Report

In executive session, the committee reviewed a confidential report from Mr. E. J. Josey, chairman of the ALA Black Caucus, concerning libraries providing services to educational institutions established to circumvent federal laws on school desegregation. The report was referred to a subcommittee composed of Mr. David Cohen, Mrs. Helen Kreigh, and Mrs. Milton Byam, chairman, for further study and recommendations.

Emergency Employment Network

The committee reviewed the structure and functions of the Emergency Employment Network established in 1969 to help find temporary jobs for persons fired or forced to resign due to intellectual freedom problems. The employment network, with 32 participating libraries, guarantees neither position nor salary levels. Its intent is to provide an income, however small, from the time an individual leaves one job to when he can find another suitable for his ability.

In its first year of operation, the network received four requests for help and was successful in finding temporary positions for two of the applicants.

Believing that the network is one of the most valuable aids now available for supporting and defending intellectual freedom principles, the committee approved expanding the program's list of participants and publicizing its functions.

"Program Of Action" Revision

At a special meeting in Chicago, December 1-2, 1970, the committee approved a revised *Program of Action* to take into consideration experience gained dur-

ing three investigations of intellectual freedom problems. At Los Angeles, the committee reconsidered its revisions and discussed expanding the program to include support of all ALA intellectual freedom policies. The committee also discussed including tenure matters under the *Program of Action*. After learning that the ALA Executive Board has drawn up plans for a committee representing all units concerned to consider if a single fact-finding agency for ALA is feasible and where it should be, the Intellectual Freedom Committee reevaluated its plans regarding expansion of the *Program of Action*. After studying the Executive Board's plans, the committee voted to support unanimously the principle of a centralized investigatory body within ALA. It also approved the Executive Board recommendation that such a unit be established after all concerned ALA units have conferred in a meeting to determine the best way to effect the procedure. The committee recommended to the Executive Board that a program for a centralized investigatory body be presented to Council for action at the 1971 Annual Conference in Dallas.

Silk Purse or Sow's Ear

Sylvester and the Magic Pebble, by William Steig, published by Windmill Books and Simon and Schuster in 1969, received the Randolph J. Caldecott Medal for the best illustrated children's book in 1970. The Caldecott Medal is administered by the American Library Association Children's Services Division. According to the publisher, the book has sold about 40,000 copies, a good sale for a children's book.

In 1969 and early 1970, when emotions ran high because of "revolutionary" publications such as Jerry Rubin's *Do It!* and Abbie Hoffman's *Revolution for the Hell of It*, few people paid much attention to *Sylvester* . . . Few people, that is, other than thousands of children who kept it on waiting lists in libraries all over the country.

Then, in May, 1970, in Lincoln, Nebraska, *Sylvester* . . . was "exposed." The picture on page 13 of the book was found to depict policemen as pigs. Over the written protest of eighteen librarians in Lincoln, the book was removed from public school libraries in the city. In a letter to the June issue of *American Libraries*, an angry Queens Borough Public Librarian wrote: "One could attempt a defense of the author and claim coincidence or a lack of malicious intent on his part. But the author-illustrator would have to be a hermit not to realize the insulting significance of 'pig' as applied to a law officer. Inserted in a book for the preschool child, it assumes the stature of subtle propaganda that would make a Goebbels smile."

The "subtle propaganda" argument against *Sylvester* . . . gathered momentum over the summer of 1970.

Claiming that the picture "reinforces prejudices and misconceptions learned outside the school environment, and destroys the conscientious efforts of socially concerned teachers and librarians to guide children toward becoming objective and just citizens," the elementary school library staff of Palo Alto, Cal., Unified School District voted to remove the book from the shelves.

Between September and December, challenges to *Sylvester* . . . were made in many parts of the country. The ALA's Office for Intellectual Freedom and the Children's Services Division received requests for information and assistance from libraries in Maryland, Ohio, Pennsylvania, Kansas, South Carolina, Wyoming, and Illinois. Besides Lincoln and Palo Alto, it was reported that the book was removed "for re-evaluation" in Toledo, Ohio, and East Alton and Woodriver, Illinois. Libraries in Prince George's County and Wicomico County, Md., however, courageously retained *Sylvester* . . .

The mushrooming campaign against *Sylvester* . . . received greater impetus when the picture came to the attention of national police associations. According to the *Washington Star*, the International Conference of Police Associations (ICOPA), claiming to represent 150,000 law-enforcement officers, said in a letter dated November 12, 1970, ". . . no wonder that the children and some adults have no respect for the law enforcement officer . . . we demand that this book be removed" from school libraries.

Sylvester . . . was also discussed by the ICOPA executive board at a meeting in December. On December 28, Victor J. Witt, Secretary-Treasurer of the Illinois Police Association, sent letters to all Illinois law-enforcement officers, urging them to "Please check your grade school libraries and public library to see if this book is there. If it is, ask them to remove it, and if they do not, please go to your local press. I am sure they are in favor of proper recognition of the police officer. . . . Liberty and Democracy without controls are chaos. You represent this Liberty, this Democracy and supply the controls."

As a direct result of Mr. Witt's letter, the Office for Intellectual Freedom was inundated by calls and letters from Illinois librarians asking for help. A packet of materials was compiled and sent out to every library reporting a problem with *Sylvester* . . . Follow-up reports were encouraging. Almost all librarians who received the materials advised the office that, when law enforcement officers in their communities were shown the book, they agreed the entire furor was unnecessary. Consequently, the book remained in most of the Illinois libraries where it had been challenged.

At Midwinter Meeting in Los Angeles, on January 20, the Intellectual Freedom Committee discussed the *Sylvester* . . . problem. At the invitation of the committee, two representatives from Simon and Schuster, two members of the ICOPA executive board, and Daniel

Melcher, representing the Randolph J. Caldecott Medal, attended the meeting and participated in the discussion.

Sgt. John Fleming, a member of the Los Angeles County Sheriff's Office and the Los Angeles County Professional Peace Officers Association, and Robert Wood, president of the Los Angeles Fire and Police Protective League, represented the ICOPA executive board. Both men displayed an intelligent and good-humored approach to *Sylvester* . . . They explained that their concern about the term "pig" was in reference to its use by "radical" organizations whose intent was to equate police with long, sharp-tusked boars, usually pictured with blood dripping from their mouths. Both men, however, emphasized the fact that they were expressing only their personal opinions and could not speak for the membership of ICOPA.

Mr. Wood invited representatives of ALA to meet with ICOPA in Los Angeles during its next conference in July, 1971. At that time, the *Sylvester* . . . matter will come before the ICOPA executive board and, possibly, the membership.

Mr. Wood also displayed tie tacks, cuff links, and other items depicting pigs and used to promote the "Pigs are Beautiful" slogan. He explained that "Pigs" in this context stands for "People In Government Service." Prior to leaving the meeting, Mr. Wood gave sets of the jewelry to David K. Berninghausen, chairman of the Intellectual Freedom Committee, and Mrs. Judith F. Krug, director of the Office for Intellectual Freedom, thus making them "Honorary Pigs."

The Intellectual Freedom Committee took no action on the *Sylvester* . . . matter but accepted the invitation to send a representative to the ICOPA meeting in July. The general consensus was that, if policemen all over the country displayed the sane approach of Mr. Wood and Sgt. Fleming, concern about the policemen's image would be unnecessary.

In the meantime, the Office for Intellectual Freedom continues to collect and distribute materials about *Sylvester* . . . and will be happy to provide them to any library upon request. JAH

Chain Reactions

United Press International has adopted a policy of cautioning editors on the use of items concerning bomb scares and threats of airplane hijacking. Each separate story is moved on the wire with the warning: "Editors: for use at your discretion." This procedure, UPI explained, is based on "frank recognition of the uncomfortable proposition that there is a chain reaction aspect to those outrages and that publicity to one very likely inspires others." Reported in: *Editor & Publisher*, October 24.

Subscription Libraries And Intellectual Freedom: A Case Study

Florence E. DeHart

[Dr. DeHart is presently an Associate Professor in the Kansas State Teachers College Graduate Library School in Emporia. She has been a member of the ALA Intellectual Freedom Committee since 1970.]

Intellectual freedom problems in public libraries are unfortunately a past as well as a present reality. Did the subscription libraries which preceded the tax-supported public libraries also face intellectual freedom problems? Were the problems similar to those which confront public libraries today? Did human nature manifest itself in the same way toward intellectual freedom matters as it does today? Although the full answer to these questions remains in the realm of speculation, I searched two historical works for episodes relating to intellectual freedom in one subscription library, the New York Society Library, founded in 1754: Austin Baxter Keep's *History of the New York Society Library*, which treats the first one hundred and fifty years,¹ and Marion King's *Books and People; Five Decades of New York's Oldest Library*, which covers the years from 1907 through 1954.²

I also visited the New York Society Library, now located on 79th Street, to update my findings. The librarian, Miss Sylvia Hilton, graciously consented to comment on intellectual freedom in regard to the library. She stated that patrons have not been asking for the removal of books or protesting the purchase of such works as *Portnoy's Complaint* or *Sylvester and the Magic Pebble*. Although some users at times express disgust for a book, they nevertheless prefer that the librarians decide what will be in the collection, which now numbers more than 170,000 volumes.

The New York Society Library today apparently enjoys a climate free from intellectual freedom problems, but it has not always been without such problems, according to the historical works mentioned above. The first incident was an attempt to discriminate in the choice of trustees on the basis of religion: "No sooner were the Subscriptions compleat, and a Day appointed for the Election of Trustees, than a dirty Scheme was concerted, for excluding as many English Presbyterians as possible, from the Trusteeship. . . . This Scheme a certain Gentleman in this Province undertook to execute; and by His Emissaries dispersed among the Subscribers a Number of Copies of such a List of Trustees . . . and advised many of them carefully to avoid electing any Presbyterians to the Trusteeship. . . . In Spite of his utmost Efforts, the Subscribers were so obstinately impartial, as to chuse Persons who, from their Acquaintance with Literature, they imagined were able to make a proper Collection of books."³

The New York Society Library also refused to discriminate on the basis of sex. The women's liberation movement of today would be pleased with the policy which "has ever welcomed women to enrolment as shareholders, with unrestricted access to the shelves." This policy was in sharp contrast to that of the Boston Athenaeum where, as late as 1856, the librarian reported it as undesirable that a modest young woman should have anything to do with the corrupter portions of the polite literature, and that a considerable portion of a general library should be to her a sealed book.⁴

In 1907, the New York Society Library faced a still different kind of problem which involved an old gentleman who came to do genealogical research. He returned the next day and the next until he became a fixture of the library until shortly before his death in the early 1930's. He set up his office in the south front alcove. "As the library was open for reference, and he used it thus, there were no grounds for deposing him. At all events he was not deposed but carried on his business and received his clients in his alcove with complete aplomb."⁵ The old gentleman could have had no complaint with his treatment. Whether the Office for Intellectual Freedom will receive complaints under the *Program of Action* on the grounds of violation of squatter's rights remains to be seen.

Some of the leading clubs in New York City, such as the Knickerbocker, Columbia University, Harvard, Union League, and Yale, had two or more subscriptions to the New York Society Library. "Curiously enough, although the clubs demanded spicy books, many of the complaints about impropriety came from them, and great attention was given to these complaints. Books not quite bad enough to withdraw but too dubious for general circulation were marked inside with an X and kept in a cupboard we called the Morgue, back of the loan desk."⁶

The new trend toward frankness in novels disturbed some of the library's patrons, including "old Mrs. Sidney de Kay for instance who, moving like a ship in full sail, would advance on us, bringing back a book marked with a slip at each objectionable passage."⁷ Books which exemplified the low shock ceiling of those past years included *Three Weeks*, by Elinor Glyn; *The Plastic Age*, by Percy Marks; *Sons and Lovers*, by D. H. Lawrence; *Jurgen*, by James Branch Cabell; *Gentlemen Prefer Blondes*, by Anita Loos; *The Fountain*, by Charles Morgan; *Ulysses*, by James Joyce; *Strange Fruit*, by Lillian Smith; *Forever Amber*, by Kathleen Winsor; and *The Genius*, by Theodore Dreiser, which the library confined to the closet, after it was withdrawn from circulation in New York and Chicago because of its "lewdness and profanity."

A verdict of \$35,000 had been found for Judge Joseph E. Corrigan against Bobbs-Merrill for the publication of Bronson Howard's *God's Man*, proven to

(Continued on page 49)



PACIFIC COAST STATES (A)

San Francisco, Cal.

Police Chief Alfred Nelder asked the board of supervisors to devise a law he can use to "crack down on sex movies." He asked for an ordinance that would authorize the police department to keep theaters out of business if police officials decide the "character" of their operation is unsatisfactory. Reported in: *San Francisco Chronicle*, December 11.

San Francisco, Cal.

A grand jury implored the board of supervisors and the state legislature to enact laws forbidding public displays of obscene and pornographic materials. "The majority of the jury still abhors the existing permissiveness," the issued report said. Reported in: *Oakland Tribune*, December 11.

ROCKY MOUNTAIN STATES (B)

Las Vegas, Nev.

A land-use ordinance aimed at stopping pornographic bookstores and obscene movies was approved by the

Clark County Planning Commission and will go before the entire county commission for final passage. Reported in: *Las Vegas Sun*, December 10.

North Las Vegas, Nev.

The Republican Club, at its monthly membership meeting, passed a resolution requesting the state legislature to allow local governments to establish community standards on the regulation of obscenity and pornography. Explaining the intent of the resolution, Ernie Konnyu, immediate past president, said, "There are many of us concerned with the direction of morality in this country. We are deeply disturbed that the U. S. Supreme Court has not given strong leadership in the areas of obscenity and pornography. However, the court did declare that local community standards, not in conflict with freedom of press or speech, should be the basis for determining obscenity and pornography. This is the area to be legally explored if we are to have a lawful resolution of this disturbing problem." The resolution asked the legislature to "enact statutes which grant local governments the right to establish standards regulating obscenity and pornography in accordance with the wishes of the citizens." Reported in: *North Las Vegas Valley Times*, November 26.

Salt Lake City, Utah

The Salt Lake Public Library Board assigned its Operations Committee, headed by Alma Boyce, to recommend a policy regarding the request of a saleswoman for access to reading records in her search for potential customers for her self-improvement materials. Mrs. Boyce has asked the city attorney's office to rule on whether reading lists are matters for public record. The decision will determine whether Salt Lake library patrons reading records become a matter of public inspection. Reported in: *Horsefeathers*, November.

SOUTHWESTERN STATES (C)

Hurst, Tex.

The city council approved an ordinance prohibiting the distribution of obscene matter in the city limits. The ordinance forbids distribution of materials "the dominant theme of which, taken as a whole, appeals to a prurient interest; which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and which is utterly without redeeming social value." The ordinance carries a maximum penalty of a \$200 fine upon conviction. Reported in: *Fort Worth Star-Telegram*, December 23.

MIDWESTERN STATES (D)

Kansas City, Mo.

In a near-unanimous vote, delegates to the 55th Annual Convention of the Missouri Congress of Parents and Teachers adopted a resolution against legislation that could cause the spread of pornography. Deep concern was expressed that "the legalization of sale and distribution of pornographic material to adults is now being considered by the United States Congress." The resolution deplored any such legislation and called for active opposition through PTA district councils. Reported in: *Kansas City Times*, October 30.

Racine, Wis.

The city council approved a two-part program against sex films in Racine theaters: (1) The city will bring a lawsuit against the showing of *Sexual Freedom in Denmark* at the Venetian Theater on the grounds it is a public nuisance; (2) The city will draft an ordinance, for consideration by aldermen, to prohibit showing of obscene films within the city. The actions were approved by a 9-4 vote of the council. Reported in: *Racine Journal*, November 18.

SOUTHERN STATES (E)

Lake City, Fla.

The Columbia County Commission is considering a proposed ordinance to add \$1,500 to the \$250 regular business licenses of theaters showing R- and X-rated movies. County Attorney Bill Haley said the reason for the raise in licensing fee was to have theaters pay their "fair share" for the county's having to police the theaters to keep underage children out, as required by state law. Reported in: *Lake City Reporter*, November 30.

College Park, Md.

The editors of *Argus*, University of Maryland literary magazine, sued state officials to require them to provide funds for printing the November, 1970, issue (see January *Newsletter* for details). Named as defendants in the federal court suit are Louis Goldstein, state comptroller; Dr. Wilson H. Elkins, university president; Charles Bishop, chancellor; and Clayton R. Plummer, director of procurement. Reported in: *Baltimore Sun*, January 1.

Norfolk, Va.

The city planning commission voted 6-0 against a use permit for a theater which would cater to X-rated films. Kenneth Andrews, operator of the Showcase, Star Twin Theaters, and Town Theater, proposed converting a vacant store into a "mini-theater" which would show primarily X-rated films. Reported in: *Norfolk Pilot*, November 21.

"You Don't Have Any Rights"

According to *The Nation*, the staff of the underground newspaper, *Kudzu*, based in Jackson, Miss., received a surprise visit from the police on October 26. Eight Jackson police officers, divided into two squads, appeared at the paper's office. One group knocked at the front door and presented a search warrant. The other four kicked the lock off the back door without bothering to knock. All eight entered with guns drawn and proceeded to wreck the place "under the pretext of searching for Mark Rudd." After an hour's search, one of the officers announced that he had found some marijuana in a crumpled paper sack which *Kudzu* staffers said none of them had even seen before. The raid climaxed what the *Kudzu* staff describes as three weeks of "intensified harassment" by Jackson police and FBI agents. "Punks like you," an FBI man is quoted as saying, "don't have any rights." The *Kudzu* staff said, "The men who control Jackson and their strongmen, the police, are afraid that their views and their power will not withstand the rational criticism of a free press. . . . Long live freedom of the press!" Reported in: *The Nation*, January 4.

contain a libelous portrait of the judge. "When he came into the library soon afterward for a silent look in our catalogue," Mrs. King commented in her chronicle, "L. M. and I exchanged glances charged with the knowledge that cards and book were safely locked away. Censorship we did not undertake (beyond a mild 'I don't think you'd care for *Susan Lenox*, Miss Van Wart,' which met with 'Don't you?' as the very old lady tucked the book under her arm."⁸

If the removal of book marks constitutes an act of censorship, the library rationalized its commitment of such a deed quite acceptably: "A miniature whiskey bottle, filled with an amber something, came attached to a ribbon as a bookmark in another volume. I think we removed this ourselves for the dignity of the service!"⁹ What an idea for a publicity device to increase circulation of library materials!

In 1948, *The Naked and the Dead* and *Raintree County* were popular. The lusty frankness in the novels which many found objectionable was "presently to be surpassed by a college professor who, with his staff, had been making a long-time study of the sex habits of the human male, and at last published his well-heralded findings. We were stamped with requests, one cautious postcard reading, 'Have you got the K----y R----t?'"¹⁰

The New York Society Library found that Victorian letters of protest over an apparent lack of censorship contrasted with twentieth century letters accusing the library of exercising it.¹¹ Would censorship attempts disappear in the twentieth century if all libraries were subscription libraries? Or would human nature remain the same, prompting a certain number of patrons to attempt to have materials removed, whether the service is free or expensive, whether the board of trustees answers to the public or to the source of a private endowment, whether the library is in a small midwestern town or in a large eastern city, or whether the year is 1754 or 1971!

Notes

1. Keep, Austin Baxter. *History of the New York Society Library*. New York: Printed for the trustees by the DeVinne Press, 1908.
2. King, Marion. *Books and People; Five Decades of New York's Oldest Library*. New York: Macmillan, 1954.
3. Keep, *op. cit.*, pp. 139-40.
4. *Ibid.*, p. 188.
5. King, *op. cit.*, p. 25.
6. *Ibid.*, p. 33.
7. *Ibid.*, p. 89.
8. *Ibid.*, pp. 119-20.
9. *Ibid.*, p. 213.
10. *Ibid.*, p. 324.
11. *Ibid.*, p. 273.

Is *Sylvester* troubling you? Write for free materials: Office on Intellectual Freedom, 50 East Huron St. Chicago, Ill. 60611.

Studies and Surveys

Obscenity and pornography

(A Study). *Tempe, Ariz.* A study conducted by the Institute for Survey Research, in cooperation with Response Analysis Corporation, Princeton, N.J., found that more than 90 percent of men and 80 percent of women believe they have had experience with erotic materials at some point in their lives. The study was done for the Commission on Obscenity and Pornography. Erotica, for purposes of the survey, was defined to include visual, textual, and film representations of sex organs, sexual relationships, and sex activities which include whips, belts, or spankings. Men were twice as likely as women to report exposure to "pornographic" magazines. Some of the magazines named by participants in the survey as "pornography" are *Life*, *Look*, *Reader's Digest*, *McCalls*, *Good Housekeeping*, and *Ladies Home Journal*. It was found that those most recently experiencing contact with erotic materials are more likely to be men than women. Further, the report states that those with experience with erotic materials are heavier consumers of all media and are more socially and politically active than others. They are, disproportionately, people with some college training and are to be found in the Northeast and in larger or medium-size metropolitan areas. They are more likely than others to accept principles of freedom of expression and to have liberal sex attitudes. A spokesman said this picture of the erotica consumer suggests that the common assumption that users of erotic materials are outside the mainstream of society is incorrect and that, in fact, the opposite may be closer to reality. Reported in: *Philadelphia Bulletin*, October 25.

Free speech

(A Study). *San Diego, Cal.* The Education Commission of the States, a nonprofit organization set up in 1964 with funds from the Carnegie Corporation, announced that a majority of American young people lack "any consistent understanding of or conviction about the exercise of free speech." The group based its conclusions on the results of a year-long survey of about 90,000 persons up to the age of 35. In a random sampling, subjects were interviewed and asked if they would permit Americans to hear these statements by radio and television: "Russia is better than the United States"; "Some races of people are better than others"; "It is not necessary to believe in God." Sixty-eight percent of those 26 to 35 said they would refuse to permit the broadcast. So would 94 percent of boys and girls 13 years old and 78 percent of the 17-year-olds. The fourth group questioned in the survey, 9-year-olds, were considered too young for the problem.

Different figures were obtained when the questions were asked separately. The statement "It is not necessary to believe in God," would be permitted by 49 percent of

the 17-year-olds and 55 percent of the adults. "Russia is better" would be allowed by 56 percent of the adults and 49 percent of the 17-year-olds, but only 21 percent of the 13-year-olds. "Some races are better" would be aired by 37 percent of the adults, 31 percent of the 17-year-olds, and 16 percent of the 13-year-olds. Reported in: *Baltimore Sun*, November 18.

Bill of Rights

(Opinion Survey). *Miami, Fla.* On July 4, a newspaper reporter stood on a sidewalk in Miami and asked 50 middle-aged passers-by to sign a copy of the Declaration of Independence. Only one man agreed. One person threatened to call the police, another suggested that the Federal Bureau of Investigation investigate the document, and two others called it "commie junk." In similar polls, more than 80 percent of those questioned in Omaha, Nebraska, refused to sign the document; in Madison, Wisconsin, only one person in 112 said he would sign the Bill of Rights; and in Aurora, Illinois, two-thirds of those approached refused to sign the Preamble to the Constitution. [Whether the documents were identified by the opinion takers was not indicated in the report. Ed.] Reported in: *St. Louis Post-Dispatch*, November 20.

Students and repression

(A Study). *New York, N. Y.* Using a selected sample of almost 7,000 high school students in the greater New York City and Philadelphia areas, researchers Alan F. Westin, John P. DeCecco, and Arlene Richards, in a study aimed at formulating objectives for the reform of civic education in American schools, concluded: (1) The majority of junior and senior high school students perceive their schools as basically undemocratic; (2) They report they do not participate in making decisions which vitally affect them as individuals and citizens and they are the victims of the arbitrary behavior of teachers and principals; (3) The vast majority of students see no alternative course of action in the conflicts in which they find themselves when they complain about how they are treated or when they try to do something new and different; and (4) They see most conflicts resolved by the unilateral action of the teachers and administrators, and they report that such action intensifies rather than reduces tension in the school.

The study, entitled *Civic Education for the Seventies: An Alternative to Repression and Revolution*, was released in August, 1970, by the Center for Research and Education in American Liberties at Teachers College, Columbia University. Reported in: Press release from Teachers College, Columbia University, September 1.

Actions speak louder than words. Join the Freedom to Read Foundation. Membership applications are available from the Freedom to Read Foundation, 50 East Huron Street, Chicago, Illinois 60611.

Librarians, Censorship and Intellectual Freedom: 1968-69, an annotated bibliography including references to books and articles from the popular and library press, is available for \$1.25 from Publishing Services, 50 East Huron Street, Chicago, Illinois 60611.

Censorship Seminar

In the spring of 1970, Lilly Library at Wabash College, Crawfordsville, Indiana, received a five-year matching grant from the Council on Library Resources to assist in a program of involving the library more closely in the instructional program of the college. At about the same time, Wabash College adopted a freshman seminar plan which permits freshmen to take a maximum of two seminars.

The library's project to involve itself in the instructional program resulted in a freshman seminar on censorship, a regularly scheduled college course for three hours' credit. Using no textbook and no assigned reading list, the seminar meets weekly for two hours.

In describing the seminar, Donald Thompson, Wabash librarian, says, "My original concept of the course was censorship as it applies to printed materials, motion pictures, the theater, and the fine arts. It has gradually broadened to include all sorts of freedoms and rights. The students seem very much interested and take an active part in the discussion."

The first four or five weeks of the seminar are spent discussing items on the course outline. At the first class meeting, each student is asked to pick a topic from the suggested areas of investigation or choose a topic of his own. The last half of the course is devoted to student reports and class discussions. At the last two meetings, the students report on books they have chosen from a suggested reading list. There is no final exam.

Mr. Thompson, who is assisted in the seminar by Mrs. Charlotte Millis, reference librarian, conducted an evaluation of the course midway through the first semester this year. Some typical comments received on the *unsigned* evaluation sheets were:

"I have been extremely enlightened on the opinions of others and I feel the class is very worthwhile."

"During this course many of my concrete ideas have been shaken. In my view this is good because my views have been broadened and I am seeing things in ways I have never seen before."

"This course has helped me broaden my views of not only my ideas, ideals, but also has helped me learn to listen completely to other people, and not to pass judgment upon their opinions until I understand them."

Copies of the course outline, list of suggested areas of investigation, and list of suggested readings used by Mr. Thompson in the seminar on censorship are available on request from the Office for Intellectual Freedom, 50 East Huron St., Chicago, Illinois 60611.

Success Stories



MIDWESTERN STATES (D)

Rochester, Mich.

The board of education approved inclusion in an Adams High School current literature course of *Slaughterhouse Five: The Children's Crusade*, by Kurt Vonnegut. A delegation of citizens brought the book before the board, charging that the novel makes derogatory statements about Christ, is anti-Christian in its attitude, and includes profanity. In voting approval of the book, the board stated: "The board of education members are not qualified as literary critics. While the board does have an appeal function for citizens with legitimate complaints, when a citizen charges that a book is unfit for consumption at a high school level, our job is not to pass judgment on the book. Our job is to review our policy for book selection, instruct the qualified administrators in board policy, investigate whether or not the book selection did, in fact, follow board guidelines, and tighten book selection control." In conclusion, the board stressed that parental approval is the key in controversial book issues. Controversial material is offered on an elective basis only. Parents are sent a copy of their child's course

selections along with a description of the course and the reading material included. The child is not allowed to sign up for any class without the parents' signature on the course card. The children have a second opportunity to avoid any objectionable book once they are enrolled in a course. By board policy, any book objectionable to the child or to his parents must be replaced with an acceptable, alternate book with no detriment to the child's grade. Reported in: *Rochester Clarion*, December 1.

SOUTHERN STATES (E)

West Memphis, Tenn.

A housewife became the third to resign from the newly established 15-member censor board. She resigned rather than view another burlesque show at a local theater. Only three members showed up for the board's last meeting in November. A quorum of eight is required to conduct business. The meager attendance and conflicting obligations of some board members caused the chairman to cancel the December 14 meeting. Reported in: *Memphis Commercial Appeal*, November 29.

NORTH ATLANTIC STATES (F)

Springfield, Mass.

Mayor Frank H. Freidman vetoed an ordinance which would have banned previews of R- and X-rated movies at showings rated for all age groups. Mayor Freidman was advised by the city law department that the ordinance would be unconstitutional because it constitutes a prior restraint of freedom of speech. Reported in: *Springfield News*, December 19.

Brick Township, N.J.

The board of education reinstated Mrs. Rochelle Cassie, a teacher at Brick Township High School. Mrs. Cassie was previously suspended because she wrote a speech entitled "Intellectual Freedom," delivered by her on November 5 at a New Jersey Education Association convention in Atlantic City. The board said it did not object to Mrs. Cassie's speech but to the fact that she read it to two of her English classes. In the speech she blamed the removal of two books (*Soul on Ice* by Black Panther Eldridge Cleaver and *Manchild in the Promised Land* by Claude Brown) from a reading list on officials "giving in to the hysteria of certain segments of their community." She said the board, in removing the books, was "performing a politically circumspect maneuver." Reported in: *Newark Star Ledger*, November 19.

Clifton, N.J.

The Sensuous Woman, controversial bestseller banned by the board of library trustees, will be made avail-

able to library members through book loans from the Paterson Library. Mrs. Eleanor M. Purcell, library director, told the board that state law requires that a book not available at a local library be made available through an interlibrary loan. Lacking the presence of a full board, no action was taken on a request made last month by five members of the library staff who asked that the ban on the controversial book be lifted. A committee of the New Jersey Library Association (NJLA) is presently investigating the circumstances involved in the book ban to determine if a censure motion should be voted by members of NJLA. Reported in: *Passaic Herald News*, November 20.

New York, N.Y.

Scanlan's Monthly, which accused union printers of refusing to work on an issue titled "Guerrilla Warfare in the United States," has had the issue printed in Canada. Tom Humber, managing editor of the magazine, said 6,000 copies were flown to San Francisco for sale. The remaining 95,000 copies are being trucked to New York. Reported in: *Washington Post*, December 10.

Yorktown, N.Y.

After being removed for "re-evaluation," *Catcher in the Rye* is back on library shelves at Yorktown High School. Previously banned at the request of a group of Yorktown residents, the book was replaced when it was shown that selection of reading material is a responsibility of the school board and its administration, and that the public has no veto power. Reported in: *Mt. Kisko, N. Y. Patent Trader*, October 15, November 12.

The Supreme Court On Stag Films

The U. S. Supreme Court, on November 23, affirmed a lower court ruling that "stag party" films depicting female sex play are not obscene. At the same time, the court let stand — with the chief justice and two other justices dissenting — a lower court ruling that magazines of naked women in various poses are not obscene. Justice William O. Douglas did not participate in the decisions. In the case involving the stag films, the state of California sought to set aside a ruling by the Federal Appeals Court for the 9th Circuit that the movie with a woman engaged in masturbation is not obscene. The Los Angeles Municipal Court, the County Superior Court and the Federal District Court had found the films, seized in a Los Angeles store owned by William Pinkus, to be obscene. A Federal District Court judge declared the films were an "unmitigated affront to . . . community standards," had "no conceivable social value or importance under any fair meaning of the word," and amounted to "hard core pornography . . . not entitled to First Amendment protection." Pinkus was found guilty in 1967 and subsequently served a 90-day jail sentence.

In the other case, two Boston booksellers, Joseph Palladino and Joseph Hunt, convicted of violating Massachusetts obscenity laws by selling magazines with photos of female genital organs, appealed. The appeals court reversed the convictions, saying that "no photograph of the female anatomy, no matter how posed, if no sexual activity is being engaged in, or however lacking in social value, can be held obscene." The U. S. Supreme Court let the appeals court decision stand. Chief Justice Warren E. Burger and Justices Harlan and Blackmun said they would have heard the appeal and would have reversed the lower court. Reported in: *Chicago Tribune*, November 24.

"Smite, Smoot.

Be rough and tough.

For smut when smitten

Is front-page stuff."

— Ogden Nash

Huntsville (Ala.) Times, December 11

Freedom to Read Foundation LOS ANGELES MEETING

Meeting for eight hours on January 15 in Los Angeles, the Freedom to Read Foundation Board of Trustees considered and acted upon many items. The highlights follow:

LeRoy C. Merritt Humanitarian Fund. Recognizing the need for support at the moment an individual finds his position in jeopardy or is fired in the cause of intellectual freedom principles the, board of trustees established the LeRoy C. Merritt Humanitarian Fund in June, 1970. While similar in purpose to the Foundation, the Merritt Fund is distinct in that it does allow for an immediate, humanitarian response prior to the establishment of all pertinent facts in a particular case.

Between the board's June meeting and its recent one, the legal documents necessary to the Fund's establishment were prepared and executed. In Los Angeles, therefore, the board turned its attention to the procedures by which the Fund will operate:

1. In accordance with the trust agreement approved by the board, the Foundation's Executive Committee will administer the Merritt Fund.

2. It was voted that individual grants from the Merritt fund will not normally exceed \$500.

3. It was also agreed that, at the present time, no more than one grant will be made to an individual from this source.

4. Concerning contributions to the fund, the board amended the Foundation's By-Laws to include the following sentence under the section on membership eligibility:

Any person, corporation, or organization contributing at least \$10.00 to the LeRoy C. Merritt Humanitarian Fund will be considered a member of the Freedom to Read Foundation for the fiscal year in which such contribution was made.

It should be noted, however, that contributions to the Merritt Fund do not qualify as income-tax deductions under the IRS regulations governing contributions to charitable organizations. (Contributions to the Freedom to Read Foundation are deductible under the IRS regulations.)

T. Ellis Hodgin Appeal. At its June meeting, the Foundation's Executive Committee awarded \$500 to T. Ellis Hodgin, in the belief that his dismissal from the Martinsville, Virginia, Public Library involved intellectual freedom issues.

At Los Angeles, the board considered letters from Robert Dwoskin, secretary for Mr. Hodgin, requesting further financial assistance. The specific request was for \$550 to perfect an appeal for a *writ of certiorari* to the U. S. Supreme Court.

In discussing this request, the board concluded that, initially, the issues involved in Mr. Hodgin's firing related directly to intellectual freedom and the freedom to read. But, as the case has progressed through the courts, those

issues have either been resolved or rejected and are not in contention at this point. What remains is an issue concerning employment rights of librarians that will have broad implications for the profession and for all public employees.

Recognizing that the issues in the case are not directly within the Foundation's purview, the board determined, however, that the question of librarians' employment rights is a significant one. On the basis of its original concern with the case, the board voted to provide the requested \$550 to pay the cost of preparation of a *writ of certiorari*.

Noting ALA's great concern in matters affecting employment rights of librarians, the board also recommended that the ALA Executive Board request its legal counsel to follow the Hodgin appeal closely. If the U. S. Supreme Court grants a *writ of certiorari*, the board suggested that ALA might file an *amicus curiae* brief or become involved in any other way deemed appropriate.

Position Statements from Trustee Nominees. In light of the upcoming elections, the board considered the need for informational statements from trustee candidates. It was agreed that candidates be requested to submit written statements of no more than 150 words, indicating qualifications for office, as well as concerns. Candidates will be requested to develop their statements in accordance with criteria established by the Nominating Committee.

Los Angeles County Reevaluates Nineteen Films

Nineteen films have been withdrawn from circulation by the Los Angeles County Library after two Hacienda Heights women complained that showing them for youth discussion groups was "promoting anti-establishment-type things."

County Librarian William Geller said he will ask the library's regional advisory groups and their chairmen to help him review the films and reevaluate their place in general circulation or for young adult discussion groups held at various branch libraries.

Geller said, "There's no question that people have a right to ask me to review library materials, but it's a serious matter to withdraw them on the say-so of a very small, highly vocal group."

Included in the list of withdrawn films is *I Am Joaquin*, *Parable*, *No Reason to Stay*, *That's Me*, *Little White Crimes*, and *Duet*.

The two Hacienda Heights women, Mrs. Jean Stratton and Mrs. William Chapman, launched the campaign against the films when most of them were scheduled for discussion meetings of high school students at the Hacienda branch library last fall.

Although Mrs. Stratton said she and Mrs. Chapman do not represent any organization, she maintained that they have attracted the interest of many persons who are

opposed to the films. Asked how she would compare the banning of films to that of books, Mrs. Stratton contended there is a difference.

She said, "We feel the library is a place to go to find what you want to read. I do not feel it is their constitutional right to promote any one type of thing or point of view.

"The dangerous part is the discussion that is held afterward. When you have a discussion leader wearing a peace symbol, you know which way the discussion is going to go."

Geller, however, said he sees no difference between banning films or books and pointed out that the film discussion groups, which have been held for years, are supposed to open up minds to various points of view. He said the county library's 1,100 films, which are loaned to private individuals and groups as well as used for the young adult program at branch libraries, were viewed by more than a million persons last year. Holding the 19 films back for reevaluation, he admitted, will look to many like censorship. Reported in: *Los Angeles Times*, January 27.

"Free Speech Yearbook: 1970"

The *Free Speech Yearbook: 1970* is now available from the Speech Communication Association, Statler Hilton Hotel, New York, N. Y. 10001. The price is \$2.50 per copy. The *Free Speech Yearbook* is published annually by the Committee on Freedom of Speech of the SCA. Libraries are encouraged to place standing orders.

The *Yearbook* for 1970 includes: an article on "Why Teach Freedom of Speech?"; several syllabuses for college courses in freedom of speech; a number of scholarly articles on First Amendment problems; a review of First Amendment cases which came before the U. S. Supreme Court during the last year; and a bibliography of articles on freedom of speech from July, 1969, through June, 1970.

Those who wish to submit syllabuses or scholarly articles to be considered for use in the *Free Speech Yearbook: 1971* should send their manuscripts to Thomas L. Tedford, Department of Drama and Speech, UNC-G, Greensboro, N. C. 27412. The primary deadline for contributions is August 1, 1971, and the secondary and final deadline is September 1, 1971. Articles submitted by the primary deadline will be given first consideration. Writers should follow Kate L. Turabian's *A Manual for Writers*, 3d ed. rev. (Chicago: University of Chicago Press, 1967).

Up against the wall? Tri-colored, illuminated copies of the *Library Bill of Rights*, perfect for framing, are available at \$2.50 each from the Office for Intellectual Freedom, 50 East Huron Street, Chicago, Illinois 60611.

Intellectual Freedom International

LATIN AMERICA

Rio de Janeiro, Brazil

Staff members of a satirical publication, *O Pasquim*, were arrested in a roundup of persons suspected of subversion. The government said it was seeking to prevent terrorism prior to legislative elections. Artists and intellectuals not on the *O Pasquim* staff put out the weekly issue in spite of the arrests. The edition printed its usual sharp satire with veiled references that seemed pointless to all but the best-informed readers. *O Pasquim's* circulation is approximately 200,000. Reported in: *New York Times*, November 22.

Montevideo, Uruguay

Censorship in Uruguay has become so severe that major Argentinean newspaper publishers announced they will no longer distribute across the Rio de la Plata. In actions attributed to President Pacheco, the government prohibited the word "tupamaro" (meaning Marxist guerrilla) and insisted on such substitutes as terrorists, criminals, seditionists, or unmentionables. The press and broadcasting industry are forbidden to report strikes or political demonstrations and economic or political difficulties of the government. Journalists, including foreigners, are regularly arrested. A typical case is that of Julio Camarero, a Spaniard, who was detained for four days after reportedly obtaining an interview with a tupamaro. Reported in: *New York Times*, November 29.

EUROPE

London, England

Production workers on the independent-conservative *London Evening Standard* stopped the printing of an edition because they disliked a Raymond Jackson cartoon which placed electrical workers in a bad light. *Standard* Editor Charles Wintour refused to be censored. He agreed to run a letter — printed almost as large as the cartoon — in which the union members' objections were stated. Reported in: *Editor & Publisher*, January 2.

Ramsgate, England

The town council, impatient with having to review current film fare, has decided to abandon censorship. "I don't see why we should be compelled to sit down and view this kind of rubbish," said the mayor after the council sat through censorship showings of *The Secret Sex* and *The Heterosexual*. According to one councillor, "This means that from now on in Ramsgate, anything goes." Reported in: *Washington Post*, January 8.

Rome, Italy

Italian officials confiscated about 100,000 items considered pornographic by Rome postal authorities. Most materials seized in the last two months are reportedly sent from Denmark. Reported in: *Washington Star*, January 22.

AFRICA

Nairobi, Kenya

Speaking before a discussion group, Attorney General Charles Njono said Kenya officials use four criteria in imposing censorship: (1) Is the material likely to encourage moral depravity? (2) Abet internal subversion? (3) Undermine racial harmony? (4) Or, interfere with individual liberties? If so, it is banned. Mr. Njono is the final arbiter on films. If the censors reject one, the distributor may appeal the decision. He recently overrode vetoes on *Women in Love* and *The Learning Tree*. Reported in: *Christian Science Monitor*, December 2.

Salisbury, Rhodesia

Rhodesian censors banned bestselling *Everything You Always Wanted To Know About Sex* by American Dr. David Reubin, "because of the detailed treatment of abortions, perverted sex practices, and homosexuality." Reported in: *Richmond Times-Dispatch*, November 20.

ASIA

Phnom Penh, Cambodia

Three newspapers were shut down, two until further notice and the third for ten days. Others face suspension if they continue to defy the government order to submit page proofs for official perusal before publication. Twenty-nine foreign journalists, including five Americans, are blacklisted and barred from Cambodia for writing stories "not in the national interest." Outgoing and incoming personal letters are spot-checked. Those read and passed are stapled shut and stamped with a red, anti-Vietcong slogan. All outgoing news dispatches are passed through a censor. Reported in: *Washington News*, January 7.

Jakarta, Indonesia

H. B. Jassin, editor of the literary magazine *Sastra*, was convicted of "insulting God and the Islamic religion" for having published an article that described God as an old man with gold-rimmed glasses. Jassin was sentenced to a one-year suspended jail term. Reported in: *New York Times*, November 29.

Lahore, Pakistan

Students started fires in British consulate buildings to protest publication in Britain of a book, *The Turkish Art of Love in Pictures*. Approximately 5,000 students, claiming the book defames the Prophet Mohammed, marched to the office of the deputy high commissioner

and broke lights and flowerpots there before being dispersed by police with tear gas. Reported in: *Baltimore Sun*, January 6.

AUSTRALIA

Canberra, Australia

Seven books by Henry Miller were taken off the "banned" list by the Australian Customs Department. Two works — *Sexus* and *Quiet Day in Clichy* — are still prohibited. Reported in: *Washington Post*, January 6.

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